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B I L L S,

PUBLIC:

SEVEN VOLUMES.

—(4.)—

MARITIME CONTRACTS

TO

PIER AND HARBOUR ORDERS CONFIRMATION.

Session

8 February — 14 August 1877.

VOL. IV.

1877.

B I L L S:

1877

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A

B I L L

TO

Amend the Law relating to Insurances and other Maritime Contracts. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

5 *Preliminary.*

1. This Act may be cited as The Maritime Contracts Act, Short title. 1877.

2. This Act shall commence and have effect from and immediately after the *thirty-first day of December one thousand eight hundred* Commence-
ment.
10 *and seventy-seven.*

3. In this Act— Interpreta-
tion.
"Ship" includes every description of vessel used in navigation not propelled by oars, and every part of a ship, or of her equipments or machinery, and a share or interest in a ship :
15 "Contract of insurance," or "insurance," includes agreement for mutual insurance, or an insurance effected thereunder.

Contract for Carriage of Goods or Persons.

4. In every contract made after the commencement of this Act for the carriage of goods or persons by sea there shall, by virtue Implied
warranty in
bill of lading,
&c. for sea-
worthiness.
20 of this Act, be implied a warranty by the shipowner, charterer, or other person contracting, that the ship is seaworthy at the commencement of the voyage to be performed under the contract.

Any contract, or part or term of a contract, made after the commencement of this Act, contrary to or inconsistent with that
25 warranty, shall, as far as it is so contrary or inconsistent, be void to all intents.

[Bill 90.]

A.D. 1877.

Insurance
against effect
of warranty
void.

Saving for
limitation of
liability.

Saving for
existing
warranty,
&c.

5. An insurance against any risk or liability consequent on the warranty aforesaid shall be void to all intents.

6. Nothing in the foregoing provisions shall prejudicially affect the provisions of section fifty-four of The Merchant Shipping Act Amendment Act, 1862, relating to the limitation of a shipowner's liability.

7. Nothing in the foregoing provisions shall derogate from any warranty, undertaking, or obligation on the part of a shipowner, charterer, or other person contracting for the carriage of goods or persons by sea, that would have existed if this Act had not been passed.

Marine Insurance.

Opening of
valuation in
policy on
ship or
freight.

8. Where in an action on a contract of insurance on ship or freight made after the commencement of this Act by a valued policy, it appears to the Court, at any stage of the action, whether application in this behalf is made by the defendant or not, that there is ground to believe that the valuation is unreasonably in excess of the real value of the subject-matter of insurance, the Court may, if it thinks fit, direct an inquiry before referees, on such terms and conditions respecting costs and other matters as to the Court seem just, to ascertain what would have been the value of the interest of the insured if the policy had been an open one.

If on the report of the referees it appears to the Court that the valuation is unreasonably in excess of the real value of the subject-matter of insurance, then the insured shall not be entitled to recover in the action more than the value as ascertained by the referees.

Amount re-
coverable on
policy on
freight.

9. Where there is an insurance on freight effected after the commencement of this Act, the insured shall not be entitled to recover in respect of any freight lost without allowing for the proportion of expenses remaining, at the time of the loss, to be incurred in earning such freight.

The amount to be so allowed shall be ascertained or estimated as the Court, in any action on the contract, directs.

Charges in
respect of
freight to be
deemed
doubly
insured.

10. Where an insurance on freight effected after the commencement of this Act covers cost of wages, outfit, and other charges, and that cost is also insured by any other policy effected by the same person, that cost shall be deemed to be the subject of a double insurance.

So much of the cost aforesaid as has hitherto been covered by an open policy on ship shall, in case of a policy on ship, whether open

or valued, effected after the commencement of this Act, be deemed to be covered by that policy, unless expressly excluded thereby. A.D. 1877.

11. Where an insurance on behalf of a shipowner on ship or freight by time is effected after the commencement of this Act, the insured shall not be entitled to recover in respect of any loss occurring, if the loss would not have occurred but for the unseaworthiness of the ship, and that unseaworthiness existed at the time of the ship's leaving the port or place of safety (if any) in which she was at the commencement of the risk, or the port or place of safety in which she last was before the commencement of the risk, and could have been prevented by the exercise of reasonable care on the part of the owner or of the master of the ship, or of any agent of the owner, charged, as such, with the loading of the ship, or with the sending of her to sea from that port or place.
- 15 For the purposes of this section, unseaworthiness arising from the defective condition of the hull, equipments, or machinery of the ship, or by reason of overloading or improper loading, shall alone be deemed unseaworthiness.

Unseaworthiness
in case of
time policy.

12. Nothing in this Act shall derogate from the warranty of seaworthiness implied in any policy of insurance.

Saving for
existing
warranty.

Maritime Contracts.

A

B I L L

To amend the Law relating to Insurances and other Maritime Contracts.

(Prepared and brought in by
Mr. Edward Stanhope, and
Sir Charles Adderley.)

*Ordered, by The House of Commons, to be Printed,
16 February 1877.*

[Bill 90.]

Under 1 æ.

Marriage Preliminaries (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Interpretation of terms.
2. Short title.
3. Commencement of Act.
4. Ministers, &c. may celebrate marriages on registrar's certificate.
5. Regarding Quakers and Jews.
6. Registrar's certificate to be equivalent to certificate of proclamation of banns.
7. Notice of intended marriage may be given to registrars.
8. Duties of registrars on receipt of a notice of marriage.
9. Registrar to grant certificate.
10. Provisions as to objections to intended marriages.
11. Licenses by a justice of the peace authorised in certain cases.
12. Certificates of proclamation of banns and of notice to registrars to be of equal authority.
13. Repeal of existing law as to penalties, and enactment of new penalties.
14. Issuing of a certificate otherwise than in terms of this Act to be an offence.
15. False declarations under this Act to be punished as perjury.
16. Registrars to be provided with books, &c.
17. Persons unable to write may sign by a mark.
18. The schedules to be part of the Act.

SCHEDULES.

A

B I L L

TO

Encourage Regular Marriages in Scotland.

A.D. 1877.

WHEREAS certain facilities afforded by law for the celebration of irregular marriages in Scotland are denied in the case of regular marriages: And whereas it is expedient, in order to encourage the celebration of regular marriages in that part of the
 5 United Kingdom, that provision should be made for the celebration of such marriages after notice to registrars, as is provided for by the law of England:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
 10 and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act—

Interpreta-
tion of terms.

(1.) "Registrar" means the registrar of births, deaths, and marriages for a registration district under the Act of the
 15 seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty, intituled "An Act to provide for the better Registration of Births, Deaths, and
 "Marriages in Scotland," and the Acts amending the same:

(2.) "Registrar General" means the registrar general of births, deaths, and marriages in Scotland appointed under the
 20 said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same.

2. This Act may be cited for all purposes as "The Marriage
 25 Preliminaries (Scotland) Act, 1877." Short title.

3. This Act shall commence and come into operation on the *first*
day of January one thousand eight hundred and seventy-eight, Commence-
 ment of Act.

[Bill 161.]

A 2

A.D. 1877.

which date is herein-after referred to as the commencement of the Act.

Ministers,
&c. may
celebrate
marriages on
registrar's
certificate.

4. From and after the commencement of this Act it shall be lawful for all ministers, clergymen, or priests in Scotland to celebrate marriages in that country either after due proclamation of banns, 5 or after such registration of notice of an intention to marry as is herein-after prescribed, and upon production to such minister, clergyman, or priest either of a certificate or certificates of due proclamation of banns, or of such registration, or of a licence of a justice of the peace, as herein-after prescribed. 10

Regarding
Quakers and
Jews.

5. Notwithstanding anything contained in this Act, the Society of Friends, commonly called Quakers, and the persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively, and every such marriage is hereby declared and confirmed as a regular marriage, provided that the parties to such marriage be both of the said Society or both persons professing the Jewish religion respectively; provided also, that notice to the registrar of intention to marry shall have been given, and his certificate shall have issued, in manner herein-after provided. 15 20

Registrar's
certificate to
be equivalent
to certificate
of proclamation
of banns.

6. From and after the commencement of this Act a registrar's certificate of the publication of a notice of marriage in the manner provided for by this Act shall, for all purposes of law, be of the same force and effect as a certificate granted by a session clerk or other proper officer for granting the same of the due proclamation 25 of banns of marriage under the law in force before the commencement of this Act.

Notice of
intended
marriage
may be given
to registrars.

7. In every case of persons residing in Scotland intending that a regular marriage shall be celebrated or registered between them in Scotland without the proclamation of banns, each of such persons 30 shall, on or about the same date, give notice of the intended marriage to the registrar of the registration district in which he or she have resided for a period of not less than fourteen days previous to the giving of such notice, in the form set forth in the Schedule A. annexed to this Act; provided that when both of such persons 35 reside within the same registration district it shall suffice for one of them to give such notice.

Duties of
registrars on
receipt of a
notice of
marriage.

8. On the receipt of a notice of an intended marriage the registrar, being satisfied that the same is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the 40

notice in "The Marriage Notice Book" herein-after mentioned, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage, in the form set forth in the Schedule B. 5 annexed to this Act, and shall keep the same so posted or put up for seven consecutive days thereafter; and for every such entry in the marriage notice book the registrar shall be entitled to a fee of *one shilling and sixpence*.

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9. The registrar, having complied with the requirements of this Act, shall, on the expiration of *seven* consecutive days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage appearing on the face of such notice, or being lodged with him as herein-after provided for, grant to the person who gave the notice, or to any person authorised by the 15 person who gave the notice, a certificate of the due publication thereof, hereafter in this Act referred to as the registrar's certificate, in one of the forms set forth in Schedule C. annexed to this Act; and for every such certificate the registrar shall be entitled to a fee of *one shilling*.

Registrar to grant certificate.

10. The registrar shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

1. They shall be stated prior to the issuing of the certificate of publication:
2. They shall be stated in writing subscribed by the person 25 taking the same:
3. The person taking the same shall appear personally to lodge the same with the registrar, and shall in his presence make and subscribe a declaration in the form set forth in Schedule D. annexed to this Act, which the registrar shall 30 endorse on the written statement of objections.

Provisions as to objections to intended marriages.

And with regard to objections, timely and duly stated as above provided, the following provisions shall have effect; that is to say,

(a.) Where the objection is that the persons intending to contract marriage, or either of them, had not resided fourteen clear days within the registration districts or district before giving notice; or that such persons are wrongly named or described in the notice, or that either of them is so wrongly named or described; or that the notice is otherwise 40 inaccurate in any detail; and generally where the objection does not point out a legal impediment to a marriage between such persons, but relates to some formality or statutory requirement merely, the registrar shall suspend

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the issuing of his certificate, and shall consider the objection, and make such inquiry thereon as he shall see fit, and report thereon as soon as may be to the Registrar General or sheriff of the county in which his office is situated, who shall, on such report, direct the notice to be amended and a certificate to be granted thereon without republication thereof, if he shall see fit; or to be cancelled, if he shall see fit, in which case it shall be competent for the persons intending to contract marriage to give notice *de novo* of their intended marriage: 5 10

- (b.) Where the objection is that the persons intending to intermarry are within the forbidden degrees of consanguinity or affinity, or are both or either of them already married, or are both or either of them not of a marriageable age, or are from any other legal incapacity disqualified to give such consent as is necessary for marriage; and generally where the objection points out a legal impediment to a marriage between them, the registrar shall suspend the issuing of his certificate until such objection shall be disposed of by a judgment of a competent court of law holding the same disproved or obviated, and until there shall be produced to him a certified copy of such judgment. 15 20

Licenses by
a justice of
the peace
authorised in
certain cases.

11. Where one of the persons intending to contract marriage in Scotland is not resident in Scotland, and the other shall have obtained a registrar's certificate in terms of this Act, it shall be lawful for a justice of the peace of the county wherein notice of the intended marriage has been given, on application made to him, to grant a license (herein-after in this Act termed a justice's license), in the form set forth in Schedule E. annexed to this Act, for the celebration and registration of a regular marriage between the said persons, if he shall be satisfied on inquiry, or by affidavits submitted to him along with the application, that there is no legal impediment to the marriage, and that it would be a serious inconvenience to the person who is not resident in Scotland to require him or her to reside in Scotland merely for the purpose of complying with the provisions of this Act; and every such license shall, for all purposes of law, be of the same force and effect as a registrar's certificate obtained under this Act. 25 30 35

Certificates of
proclamation
of banns and
of notice to
registrars to
be of equal
authority.

12. For the purposes of this Act a certificate from a session clerk of the due publication of banns, and a registrar's certificate or a justice's license granted under this Act, shall be of equal authority in authorising a minister, clergyman, or priest in Scotland 40

A.D. 1877.

to celebrate a regular marriage, and such marriage shall be authorised upon the production either of a certificate or certificates of due proclamation of banns, or a certificate of due publication of banns in the case of one of the parties, and of a registrar's certificate of publication of notice on the part of the other: Provided always, that whenever a marriage shall not take place within three months of the date of such registrar's certificate or justice's licence as aforesaid, such certificate or licence shall be utterly void, and it shall not be competent to celebrate a regular marriage until new registration of notice shall have taken place and a new certificate or licence shall have been issued as aforesaid: And provided further, that nothing contained in this Act shall be held as rendering it unlawful for any minister, priest, or clergyman to refuse to celebrate any marriage either after proclamation of banns or after notice to registrars.

13. All laws, statutes, and usages, so far as they require proclamation of banns of marriage between persons intending to contract marriage in Scotland to be made in any parish church or other church in Scotland as a condition of the celebration or registration of a regular marriage between such persons, and so far as they attach any punishment or penalty to the act of contracting or witnessing or celebrating a marriage not preceded by proclamation of banns of marriage, shall be and the same are, subject to the provisions of this Act, hereby repealed; and it is hereby enacted that whosoever shall celebrate a marriage in Scotland with a religious ceremony, or, being the secretary of a synagogue of Jews duly authorised to register the marriages of Jews, or the registering officer of a body of Quakers, shall register a marriage as a regular marriage in Scotland, without having produced or exhibited to him certificates of the due publication of banns of marriage or the registrar's certificates authorising the same, or a registrar's certificate along with such a license or other certificate as is by this Act declared equivalent to a registrar's certificate, shall be guilty of an offence under this Act, and shall, on conviction thereof, be liable to a penalty not exceeding *fifty pounds*.

Repeal of existing law astopenalties, and enactment of new penalties.

Offences under this section may be prosecuted under the provisions of the Summary Procedure Act, 1864, but only at the instance of the Registrar General.

14. A registrar who shall knowingly or wilfully grant a registrar's certificate to any person without complying with all the requirements of this Act in regard to the conditions on which and the time when the same may be granted, shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not

Issuing of a certificate otherwise than in terms of this Act to be an offence.

A.D. 1877. exceeding *twenty-five pounds* or to be imprisoned for a period not exceeding *one month*, and to be deprived of his office.

Offences under this section may be prosecuted under the provisions of the Summary Procedure Act, 1864, at the instance of the Registrar General or of the procurator fiscal of the county. 5

False declarations, &c. under this Act to be punished as perjury.

15. Every person who shall knowingly or wilfully make or sign any false declaration, or who shall sign any false notice for the purpose of procuring any marriage under the provisions of this Act, or who shall knowingly or wilfully state any false objection to a marriage, or make any false declaration relative to an objection to a marriage under the provisions of this Act, shall be deemed in law to be guilty of the crime of perjury, and shall on conviction suffer the penalties attached by law to the crime of perjury. 10

Registrars to be provided with books, &c.

16. The Registrar General shall, on or before the commencement of this Act, and thereafter from time to time as may be necessary, furnish or cause to be furnished to every registrar of a registration district in Scotland,—(1) a book to be called “The Marriage Notice Book,” prepared in such form as the Registrar General, having regard to the form of notice prescribed by this Act, shall see fit; and (2) such a number as he shall think sufficient and necessary of forms of notice and of public notice of intended marriages, and of certificates and of all other forms necessary to be supplied to the registrars for the purposes of this Act, printed on paper of such shape, size, and quality as the Registrar General shall think most convenient for the purposes of this Act and the service of his department, and the expenses of providing and printing the same shall be defrayed in the manner provided in the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, intituled “An Act to provide for the better Registration of “Births, Deaths, and Marriages in Scotland.” 20 25 30

Persons unable to write may sign by a mark.

17. A person unable to write may duly subscribe any notice, declaration, or other writ under this Act, by adhibiting thereto a cross or other mark in the presence of the registrar, or two witnesses, provided the registrar or witnesses shall duly subscribe a declaration relative to such cross or mark as having been so adhibited by such person in their presence. 35

The schedules to be part of the Act.

18. The schedules to this Act, and all directions or requirements therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in the body of this Act. 40

SCHEDULE A.

NOTICE OF MARRIAGE.—(Pursuant to “The Marriage Preliminaries (Scotland), Act, 1877.”)

To the Registrar of the district of _____ in the county of _____
I [*here insert the name of the person giving notice*] give you notice that I and the other person herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.†	Rank or Profession.	Age.‡	Dwelling Place.	District and County in which Parties respectively dwell.

And I solemnly declare that I believe there is no impediment of kinship or affinity or of age or other lawful hindrance to the said marriage, and that I have had my usual place of abode and residence for the space of fourteen days immediately preceding the date of this notice within the above-mentioned district of _____

And this I declare, knowing that if the declaration is false I expose myself to suffering the penalties of perjury. In witness whereof I have hereunto set and subscribed my hand, this _____ day of _____ 18 [Signature.]

† State whether the person is a bachelor or spinster, widower or widow.

‡ State whether the person, if a male, is over or under 21 years of age; and if under 21 of what age.

N.B.—The Schedule must set forth all the particulars indicated in regard, first, to the person giving the notice, and, second, to the person with whom the person giving the notice intends to contract marriage.

A.D. 1877.

SCHEDULE B.

PUBLIC NOTICE.

(Pursuant to "Marriage Preliminaries (Scotland) Act, 1877.")

NOTICE has this day been received at this office of marriage as intended to be celebrated between the following persons; that is to say,

Between
I.

and

Between
II.

A.B. [here give name and surname, condition, rank, or profession, and place of residence of intending husband], and

C.D. [here give name and surname, condition, rank, or profession, and place of residence of intending wife].

E.F. [here insert same particulars as above], and

*G.H. [here insert same particulars as above].**

All objections to certificates being granted authorising the celebration of these marriages, or any of them, [or of this marriage, when there is only one notice,] must be lodged with the registrar in writing within seven days from this date by the objector, who must appear personally to declare to the truth thereof.

(Signed) M.N., Registrar.

[Date of Notice.]

* One public notice in this form may be made to include all the notices of marriage received at the office in the same day.

SCHEDULE C.

REGISTRAR'S CERTIFICATE.

(Pursuant to "Marriage Preliminaries (Scotland) Act, 1877.")

FORM No. 1 [applicable to the case of the parties residing in different registration districts].

I [M.N.] Registrar of hereby certify that on the day of 18 *A.B. [here give name, surname, condition, rank, or profession, and place of residence of A.B.,]* duly gave notice to me of his [or her] intended marriage to *C.D. [give name, surname, condition, &c., of C.D.,]* that all the requirements of law in respect of such notice, so far as the said *A.B.* is concerned, have been complied with, and that a regular marriage between the said *A.B.* and *C.D.* may at any time within three months of this date be celebrated in any part of Scotland, on the production on the part of the said *C.D.* of a similar certificate from the registrar of [here fill in the regis-

tration district in which C.D. has given notice], or of a licence from a justice of the peace of the county of [*here fill in the name of the county in which A.B. is resident*], granted in terms of "Marriage Preliminaries (Scotland) Act, 1877," and be registered in terms of law.

5 Certified by me the said *M.N.*, this day of .
(Signed) *M.N.*, Registrar.

FORM No. 2 [*applicable to the case of the parties residing in the same registration district*].

I [M.N.] Registrar of _____ hereby certify that on the _____ day
10 of _____ 18 _____ A.B. [*here give name, surname, condition, rank, or profession,*
and place of residence of A.B.,] and on the _____ day of _____ 18 _____ ,
C.D. [*here give name, surname, condition, rank, or profession, and place of*
residence of C.D.] duly gave notice to me of their intention to intermarry, and
that all the requirements of law in respect of such notices have been complied
15 with, and that a regular marriage between the said A.B. and C.D. may at any
time within three months of this date be celebrated in any part of Scotland,
and registered in terms of law.

Certified by me the said *M.N.*, this day of
(Signed) *M.N.*, Registrar.

20 SCHEDULE D.

I hereby solemnly declare that the facts as stated by me in the written statement of objections to the marriage intended between *A.B.* and *C.D.*, on which this declaration is indorsed, are true to the best of my knowledge and belief, and I make this declaration knowing that if the declaration is false I
25 expose myself to suffering the penalties of perjury.

(Signed by) *P. Q.*, Objector.

I certify that this declaration was made before me and subscribed in my presence this day of 18 in my office.

M.N., Registrar.

30 SCHEDULE E.

JUSTICE'S LICENCE.

(Pursuant to the "Marriage Preliminaries (Scotland) Act, 1877."

35 *A.B.*, residing in the county of _____, being about to contract marriage with *C.D.* who is not resident in Scotland, the said *A.B.* having obtained a registrar's certificate in terms of the Marriage Preliminaries (Scotland) Act, 1877, compeared before me, *X.Y.*, one of Her Majesty's justices of the peace for the said county of _____, on this the _____ day

A.D. 1877. of _____ in the year _____, and satisfied me that there is no legal impediment to the said marriage, and that it would be a serious inconvenience to the said *C.D.* to require him [*or her*] to reside fourteen days in Scotland merely for the purpose of qualifying himself [*or herself*] by such residence for a registrar's certificate under the Marriage Preliminaries (Scotland) Act, 1877. 5

In accordance, therefore, with the powers conferred upon me by the said Act, I therefore do hereby grant to the said *C.D.* this Justice's Licence, authorising a regular marriage to be celebrated between the said *A.B.* and the said *C.D.* in any part of Scotland, on production of the registrar's certificate given under 10 the hand of [*here insert the name and district of the registrar who has granted a certificate to A.B.*], in accordance with the provisions of the said Act, at any time within three months of the date of the said certificate.

(Signed) *X.Y.*, one of Her Majesty's
Justices of the Peace for the county of _____ 15

Marriage Preliminaries (Scotland).

A

B I L L

To encourage Regular Marriages in
Scotland.

(Prepared and brought in by
*Dr. Cameron, Mr. Baxter, Mr. McLaren,
Mr. Ernest Noel, and Mr. Edward Jenkins.*)

*Ordered, by The House of Commons, to be Printed,
9 May 1877.*

[Bill 161.]

Under 2 oz.

A
B I L L

TO

Legalize Marriage with a deceased Wife's Sister.

WHEREAS it is expedient to amend the law as to marriage with a deceased wife's sister: A.D. 1877.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. No marriage between a man and his deceased wife's sister heretofore celebrated or contracted at any place whatsoever within the realm or without, or which shall hereafter be celebrated or contracted in England or Ireland in the office of any registrar under the provisions of the Acts relating to marriages in England and Ireland, or to be contracted in Scotland or elsewhere, shall be deemed to have been or shall be void or voidable by reason only of the affinity of the parties thereto, or by reason of any statute or of any canonical or other objection or impediment founded only on such affinity to the validity of any such marriage or to the celebration thereof, or to the validity of any license or certificate under which the same may have been celebrated ; and the registers of all such marriages in England or Ireland, or authenticated copies thereof, and such evidence as would be proof of any other marriage in Scotland or elsewhere, shall be received in all courts of law or equity, and for all purposes, as evidence of such marriages respectively.

Marriage between a man and his deceased wife's sister not void or voidable.

2. Provided always, that nothing herein contained shall render valid any marriage with the sister of a deceased wife where either of the parties has afterwards, during the life of the other and before the passing of this Act, lawfully intermarried with any other person.

Excepted cases.

3. Provided also, that this Act, so far as it relates to any marriage with the sister of a deceased wife, celebrated or contracted before *the passing of this Act*, shall not invalidate or affect any

Provision for saving rights,

[Bill 85.]

A.D. 1877. — right to any dignity or title of honour, or any estate, right, title, or interest, legal or equitable, in or to any lands, hereditaments, chattels, or effects vested in any person before the passing of this Act, nor any contingent estate or interest, legal or equitable, in any lands, hereditaments, chattels real, chattels, or effects created by or 5 derived from any settlement, grant, conveyance to uses, release, appointment, or other instrument bonâ fide executed before the passing of this Act, or by or from any devise or will which shall have become operative by the death of the deviser or testator before the passing of this Act.

Marriage with a deceased Wife's Sister.

A

B I L L

To legalize Marriage with a deceased
Wife's Sister.

(*Prepared and brought in by*
Sir Thomas Chambers, Mr. Morley,
Sir Colman O'Loghlen, and Mr. Macdonald.)

Ordered, by The House of Commons, to be Printed,
14 February 1877.

[Bill 85.]

Under 1 oz.

A

B I L L

INTITULED

An Act to render valid Marriages heretofore solemnized in the A.D. 1877.
Chapel of Ease called Saint Peter's Church, in the Parish of
Almondsbury, in the County of Gloucester.

WHEREAS the church or chapel known as Saint Peter's, in the parish of Almondsbury, in the county of Gloucester and diocese of Gloucester and Bristol, was, on the eighth day of August one thousand eight hundred and fifty-five, duly consecrated for the performance of Divine Service, but no authority has ever been given by the Bishop of the said diocese, or otherwise, for the publication of banns and solemnization of marriages therein :

And whereas divers marriages have nevertheless been solemnized in the said church or chapel, under an erroneous impression on the part of the ministers thereof, that by virtue of the consecration of the said church or chapel, or otherwise, marriages might be lawfully solemnized therein ; and entries of the said marriages so solemnized have from time to time been made in the register books kept at the said church or chapel :

And whereas it is expedient under the circumstances aforesaid to remove all doubts touching the validity of the marriages so solemnized in the said church or chapel :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. All banns of matrimony and marriages published or solemnized before the passing of this Act in the church or chapel known as Saint Peter's, in the parish of Almondsbury, in the county of Gloucester, shall be as valid as if the same had been published or solemnized in a church duly consecrated and licensed for marriages.

Marriages heretofore solemnized in St. Peter's, Almondsbury, to be valid.

2. No minister who has solemnized any of the said marriages shall be liable to any ecclesiastical censures, or to any other pro-
[Bill 197.]

Minister officiating not liable to censure.

A.D. 1877. — proceedings or penalties whatsoever, by reason of his having so solemnized the same respectively.

Registers
of such
marriages to
be evidence.

3. The registers of the marriages so solemnized, or copies of such registers, shall be received in all courts of law and equity as evidence of such marriages respectively, in the same manner as 5 registers of marriages in parish churches, or copies thereof, are by law receivable in evidence.

Short title.

4. This Act may be cited as The Marriages Legalization, St. Peter's, Almondsbury, Act, 1877.

**Marriages Legalization,
St. Peter's, Almonds-
bury. [H.L.]**

A

B I L L

INTERRUPTED

An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint Peter's Church, in the Parish of Almondsbury, in the County of Gloucester.

(Brought from the Lords, 12 June 1877.)

*Ordered, by The House of Commons, to be Printed,
13 June 1877.*

[Bill 197.]

Under 1 oz.

A
B I L L

FOR

The protection of the Property of Married Women in
Scotland.

A.D. 1877.
—

WHEREAS it is just and expedient to protect to the extent hereinafter provided for the property of married women in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. In all cases of marriage taking place after the passing of this
Act, where the wife or the husband is at the date of such marriage
10 domiciled in Scotland, or shall afterwards become so, the husband's
jus mariti and right of administration in or over all moveable or
personal estate then belonging to her, or which may thereafter be
earned by her own industry, or to which she may otherwise acquire
right during marriage, shall, unless otherwise settled by any
15 instrument duly executed by her, be entirely excluded from such
estate in like manner in all respects as if the said jus mariti and
right of administration had, prior to the marriage, been effectually
excluded by an instrument duly executed and intimated, or other-
wise perfected in legal and competent form.

Wife married
after date of
Act to have
separate
estate in
moveables.

20 2. The rents and produce of heritable property in Scotland shall
in like manner no longer be subject to the jus mariti and right of
administration of the husband of any married proprietrix, and the
husband's consent shall no longer be necessary to the sale or dis-
position thereof, whether absolutely or in security, or to any suit or
25 action relating thereto ; but this enactment shall not apply to the
property of any woman married before the passing of this Act,
except as hereinafter provided.

Rents of
heritable
property to
be separate
estate in
wife.

3. This Act shall not apply to cases of marriage which shall have
taken place before its passing except that the husband's jus mariti

Act not to
apply to
marriages

[Bill 41.]

contracted before its passing except as regards property acquired after its passing.

In cases of marriage contracted before Act parties may voluntarily come under its provisions by deed and advertisement.

Protection of earnings of married women.

Rights of husband and children as regards wife's separate estate.

Liability of husband for wife's antenuptial debts limited to amount of property received through her.

Liability of wife's estate for household expenses.

and right of administration shall be excluded from all estate, moveable or heritable, subject to the law of Scotland, to which the wife may acquire right after the passing of the Act, or which may thereafter be earned by her own industry.

4. It shall be competent to all persons married before the 5 passing of this Act to declare by mutual and irrevocable deed that the wife's whole estate, including such as may have previously come to the husband in right of his wife, shall be regulated by this Act, and upon such deed being registered in the register of deeds at Edinburgh or in the Sheriff Court register of the county in 10 which the parties reside, and being advertised in terms of the schedule, in the Edinburgh Gazette and in two newspapers circulating in such county, the said estate shall be vested in her as hereinbefore provided, and subject to the provisions of this Act; but no such deed shall be of any effect as against any debt or 15 obligation contracted by the husband prior to the date of the deed being so advertised.

5. The wages, profits, and earnings of any woman married either before or after the passing of this Act, and whether derived from the prosecution of a trade or profession or the exercise of labour 20 and skill, shall be separate estate to the effect specified in this Act.

6. Wherever the *jus mariti* and right of administration are excluded by this Act from any moveable estate of a wife, the husband and children shall, on the wife's death, have the same rights to participation in such estate as the wife and children 25 would have in the moveable succession of a husband in like circumstances, but nothing herein contained shall affect the present law relating to courtesy and terce.

7. In any marriage which takes place after the passing of this Act, the liability of the husband for the antenuptial debts of his 30 wife shall be limited to the value of any property which he shall have received from, through, or in right of his wife at or before or subsequent to the marriage, and any court in which a husband shall be sued for such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining 35 the nature, amount, and value of such property.

8. Notwithstanding the provisions of this Act, the wife's personal estate and the rents of her heritable estate shall be subject to attachment for all debts and obligations contracted by her, whether before or after marriage, and also for debts arising 40 out of the domestic expenditure of the spouses by whomsoever

incurred : Provided that no execution against the wife's estate for such last-mentioned debts shall be competent except to the extent to which there shall be a deficiency of the husband's estate to satisfy the same, and such execution shall issue only upon a judge's order, 5 endorsed on the extract of the Decree and bearing that evidence has been adduced to him that the husband's estate has been exhausted or is not available. A.D. 1877.

9. This Act shall not affect any contracts made or to be made between married persons before or during marriage, or the law 10 relating to such contracts, or the law relating to donations between married persons, or to a wife's right to aliment, or to a wife's non-liability to diligence against her person. Exempting contracts and certain legal rights from operation of Act.

10. This Act may be cited as "The Married Women's Property (Scotland) Act, 1877." Short title.

SCHEDULE.

FORM OF NOTICE PRESCRIBED BY SECTION

Notice is hereby given that on the day of
a deed by *A.B.* of *C.* [*designation*] and *E.F.* his wife has been
registered in the Register of in terms of the Married
20 Women's Property, Scotland, Act, 1877.

(To be advertised once in the *Edinburgh Gazette* and twice in some newspaper circulating in the county in which the parties reside.)

Married Women's Property (Scotland).

A

B I L L

For the protection of the Property of
Married Women in Scotland.

(Prepared and brought in by
Mr. Anderson, Sir Robert Anstruther,
Mr. McLaren, and Mr. Orr Ewing.)

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 41.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The protection of the Property of Married Women in
Scotland.

A.D. 1877.

WHEREAS it is just and expedient to protect to the extent
herein-after provided for the property of married women in
Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. This Act shall commence and take effect from and after the
first day of January one thousand eight hundred and seventy-eight.

Commence-
ment of Act.

10 2. This Act shall extend to Scotland only.

Extent.

3. The jus mariti and right of administration of the husband
shall be excluded from the wages and earnings of any married
woman, acquired or gained by her after the commencement of this
Act, in any employment, occupation, or trade in which she is
15 engaged, or in any business which she carries on under her own
name, and shall also be excluded from any money or property
acquired by her after the commencement of this Act through the
exercise of any literary, artistic, or scientific skill, and such wages,
earnings, money, or property, and all investments thereof, shall be
20 deemed to be settled to her sole and separate use, and her receipts
shall be a good discharge for such wages, earnings, money, or
property, and investments thereof.

Protection of
earnings of
married
women.

4. In any marriage which takes place after the commencement
of this Act, the liability of the husband for the ante-nuptial debts of
25 his wife shall be limited to the value of any property which he shall
have received from, through, or in right of his wife at, or before, or

Liability of
husband for
wife's ante-
nuptial debts
limited to
amount of

[Bill 169.]

A.D. 1877. subsequent to, the marriage, and any court in which a husband
property shall be sued for such debt shall have power to direct any inquiry
received or proceedings which it may think proper for the purpose of
through her. ascertaining the nature, amount, and value of such property.

Savings. 5. This Act shall not affect the rights conferred upon a married 5
woman by the Conjugal Rights (Scotland) Amendment Act, 1861,
or the Conjugal Rights (Scotland) Amendment Act, 1864.

Short title. 6. This Act may be cited as "The Married Women's Property
(Scotland) Act, 1877."

Married Women's Property (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

For the protection of the Property of
Married Women in Scotland.

*(Prepared and brought in by
Mr. Anderson, Sir Robert Anstruther,
Mr. McLaren, and Mr. Orr Ewing.)*

*Ordered, by The House of Commons, to be Printed,
15 May 1877.*

[Bill 169.]

Under 1 oz.

A
B I L L

TO

Amend the Matrimonial Causes Acts.

A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as "The Matrimonial Causes Act, Short title.
1877."

2. After the passing of this Act the Queen's proctor or the person for the time being discharging the functions of the Queen's proctor shall not be paid by fees, *but shall receive such salary as* Queen's proctor to be paid by salary.
10 *the Commissioners of Her Majesty's Treasury shall from time to time determine.*

3. Where the Queen's proctor shall intervene in any suit or proceeding for a judicial separation or dissolution of marriage, the costs of all and every party or parties to any such suit occasioned Costs of intervention.
15 by such intervention shall abide the event; and such party or parties who shall obtain a decree or any judgment, whether final or interlocutory, in such suit shall be entitled to recover such costs as aforesaid in like manner as in other cases, unless the Court shall otherwise order.

20 4. Upon any petition presented by a husband on the ground that his wife has been guilty of adultery, if it be proved that the petitioner has himself been guilty of a matrimonial offence by reason whereof the Court shall reject the prayer of the said petition, it shall be lawful for the Court to order that the husband shall, to
25 the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, or pay to her such monthly or weekly sums during their joint lives as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it shall
30 deem reasonable; and the Court shall have the same powers with reference to the said order as if the same had been made on a decree pronouncing a dissolution of marriage.

[Bill 148.]

A.D. 1877.

Extension of
the power
given by
20 & 21 Vict.
c. 85. s. 45. to
cases where
there are no
children of
the marriage.

5. It shall be lawful for the Court, in any case in which the Court shall pronounce a sentence of divorce or judicial separation for the adultery of the wife, to order such settlement as it shall think reasonable of the wife's property, or any part thereof, on the innocent party, pursuant to the provisions of the 20 & 21 Vict. 5 c. 85. s. 45., notwithstanding that there are no children of the marriage.

Matrimonial Causes
Acts Amendment.

A

B I L L

To amend the Matrimonial Causes Acts.

(Prepared and brought in by
Mr. Herschell and Sir Henry Holland.)

Ordered, by The House of Commons, to be Printed,
26 April 1877.

[Bill 148.]

Under 1 oz.

A

B I L L

TO

Amend the Medical Act of 1858.

A.D. 1877.

WHEREAS an Act was passed in the twenty-first and twenty-second years of the reign of Her Majesty “to regulate the “ qualifications of practitioners in medicine and surgery;” and whereas it is expedient to amend the said Act :

5 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Section forty of the said recited Act shall be repealed, and in
 10 lieu thereof it is enacted : Any person who for the purpose of any Act of Parliament, or for the purpose of gain, shall take or use any medical or surgical name, title, or description, unless such person’s qualification or qualifications entitle such person to take or use
 15 such name, title, or description, and such qualification or qualifications be also registered, shall, upon summary conviction for either or any such offence, pay a sum of *twenty pounds* : And it is further enacted, that any person not already registered or not qualified at the time of the passing of this Act to be registered under the said recited Act, who shall make, fill up, or sign any
 20 medical certificate for the purpose of any Act of Parliament, or who shall practise medicine or surgery for gain, unless such person holds a duly registered qualification or qualifications in both medicine and surgery, shall likewise, upon summary conviction for either or any such offence, pay a sum of *twenty pounds*.

Section 40 of recited Act repealed, and penalties stated for filling up or making statutory certificates by unregistered persons, or for falsely pretending to be either a registered person or a person entitled to practise medicine or surgery for gain.

25 2. Section forty-two of the said recited Act shall be repealed, and in lieu thereof it is enacted : Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the treasurer of the General Medical Council, anything to the contrary contained in any Act passed before the passing of this Act
 30 notwithstanding.

Application of penalties.

[Bill 155.]

A.D. 1877.
 ———
 Amendment
 of Schedule
 A. of the
 said recited
 Act.

Act to be
 read with
 above-recited
 Act.
 Short title.

3. To Schedule A. of the said recited Act it is enacted that this section shall be added : Doctor of Medicine, or Bachelor of Medicine, of any Foreign or Colonial University, whose examination is proved to the satisfaction of the General Medical Council by such University to be equal to that required, for the time being, by the 5 College of Physicians of London for their qualification of membership, or to such other examination as may be fixed upon for the purpose by the said Council.

4. This Act to be read with and form part of the said recited Act.

5. This Act may be cited for all purposes as the Medical Acts Amendment Act, 1877.

Medical Act (1858)
Amendment.

A

B I L L

To amend the Medical Act of 1858.

(Prepared and brought in by
Dr. Lush, Sir Trevor Lawrence, Lord Edmond
Fitzmaurice, and Mr. Graham.)

*Ordered, by The House of Commons, to be Printed,
2 May 1877.*

[Bill 155.]
Under 1 oz.

A

B I L L

TO

Amend the Medical Act (1858).

A.D. 1877.

WHEREAS it is expedient to amend the Medical Act (21 & 22 Vict. cap. 90) :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Clause fifteen of the Medical Act shall be and is hereby amended so far as it permits persons to be registered who are possessed of only one qualification described in Schedule A. of said Act; and from and after the passing of this Act no person shall be entitled to be registered under the provisions of the Act unless he possesses a Degree or License to practise Medicine as well as a Degree or License to practise Surgery from some University or College or other Body duly authorised to grant the same. Double qualification to be required for Registration.
2. *From and after the 1st day of January 1878*, clause thirty-six of said Act shall be and is hereby amended as follows : No person shall hold any appointment as a Physician, Surgeon, or other Medical Officer in the Military or Naval Service, unless he be registered under this Act ; and no person shall hold any appointment as a Physician, Surgeon, or other Medical Officer in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other Public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual relief in Sick-ness, Infirmary, or Old Age, nor as a Medical Officer of Health, unless he be registered under this Act, and unless, in addition to being so registered, he shall also have been examined and declared Test Examination required in addition to Registration for Medical Employment in Public Civil Service.

[Bill 172.]

A.D. 1877. competent for such appointment by an examining board to be constituted as herein-after provided.

Constitution
of Examining
Board.

3. Within a period of *three months* after the passing of this Act the General Medical Council shall appoint an Examining Board, consisting of *three* Examiners from England, *three* from Ireland, and *three* from Scotland, whose duty it shall be to examine all Persons who, being already duly registered under the Medical Act, shall present themselves for Examination, and who, on passing such Examination, shall be entitled to append to their names on the General Medical Register the letters C.M.B., signifying Civil Medical Board, 10 and shall be eligible to hold public appointments as provided in clause two of this Act.

Registers
to be kept
by the local
Registrars.

4. The Local Registrars for England, Ireland, and Scotland, shall be the Registrars for the Examining Board, and shall keep registers in such form as shall be laid down by the General Medical Council; 15 and for such additional duties they shall receive such additional salary as the General Medical Council shall appoint, with the approval of the Lords Commissioners of the Treasury.

Board to be
purely an
Examining
Board.

5. The Board of Examiners so appointed shall be a purely Examining Board, and shall have no power to inquire into or lay 20 down Courses of Education or Study.

Fees for
Examination.

6. The fee for Examination and Certificate from the Examining Board shall not exceed *five pounds*, and in case the amount so received for such Examinations and Certificates should not be sufficient to defray the salaries and expenses of the Examining 25 Board, *it shall be lawful for the Lords Commissioners of the Treasury to award such sums as may be necessary for the purpose.*

Time and
place of
Examination.

7. The Examinations shall take place at the times and places to be fixed by the General Medical Council.

Appoint-
ment of
Examiners.

8. The Examiners shall be appointed to hold office for *Three* 30 Years; they shall not be eligible for re-election for Three Years after their retirement; members of the General Medical Council shall not be eligible to be appointed as Examiners.

9. This Act shall be construed as one with the Medical Act.

**Medical Act (1858)
Amendment (No. 2).**

A

B I L L

To amend the Medical Act (1858).

*(Prepared and brought in by
Mr. Errington, Mr. Dillwyn, and Mr. John
Maitland.)*

*Ordered, by The House of Commons, to be Printed,
16 May 1877.*

[Bill 172.]

Under 1 oz.

A
B I L L

TO

Amend the Medical Act of 1858.

A.D. 1877.

WHEREAS an Act was passed in the twenty-first and twenty-second years of the reign of Her Majesty “to regulate the “ qualifications of practitioners in medicine and surgery ;” and whereas it is expedient to amend the said Act :

5 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Section forty of the said recited Act shall be repealed, and in
10 lieu thereof it is enacted : Any person who for the purpose of any Act of Parliament, or for the purpose of gain, shall take or use any medical or surgical name, title, or description, unless such person’s qualification or qualifications entitle such person to take or use
15 such name, title, or description, and such qualification or qualifications be also registered, shall, upon summary conviction for either or any such offence, pay a sum of *twenty pounds* : And it is further enacted, that any person not already registered or not qualified at the time of the passing of this Act to be registered under the said recited Act, who shall make, fill up, or sign any
20 medical certificate for the purpose of any Act of Parliament, unless such person holds a duly registered qualification or qualifications in both medicine and surgery, shall likewise, upon summary conviction for either or any such offence, pay a sum of *twenty pounds*.

Section 40 of recited Act repealed, and penalties stated for filling up or making statutory certificates by unregistered persons, or for falsely pretending to be a registered person. Such person to be registered for qualification in both medicine and surgery.

2. Section forty-two of the said recited Act shall be repealed, and
25 in lieu thereof it is enacted : Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the treasurer of the General Medical Council, anything to the contrary contained in any Act passed before the passing of this Act notwithstanding.

Application of penalties.

[Bill 186.]

A.D. 1877.

Amendment
of Schedule
A. of the
said recited
Act.

3. To Schedule A. of the said recited Act it is enacted that this section shall be added: Doctor of Medicine, or Bachelor of Medicine, of any Foreign or Colonial University, whose examination is proved to the satisfaction of the General Medical Council by such University to be equal to that required, for the time being, by the 5 College of Physicians of London for their qualification of membership, or to such other examination as may be fixed upon for the purpose by the said Council.

Act to be
read with
above-recited
Act.
Short title.

4. This Act to be read with and form part of the said recited Act.

10

5. This Act may be cited for all purposes as the Medical Acts Amendment Act, 1877.

Amendment (No. 3).

A

B I L L

To amend the Medical Act of 1858.

*(Prepared and brought in by
Dr. Lush, Sir Trevor Laurence, Lord Edmund
Fitzmaurice, Mr. Grantham, and Mr. Ritchie.)*

*Ordered, by The House of Commons, to be Printed,
4 June 1877.*

[Bill 186.]
Under 1 oz.

Mercantile Marine Hospital Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Definitions.

Inspection of Seamen.

3. Inspection shall be compulsory. Mode of inspection.

Establishment of a Mercantile Marine Hospital Service.

4. Hospitals to be established at certain ports. Foreign seamen eligible for admission under certain circumstances.
5. Classes of seamen to be admitted or excluded.
6. Appointment of medical director and other medical officers.
7. Remuneration of medical officers.

Mode of defraying Expenses of Service.

8. Creation of Mercantile Marine Hospital Fund.
 9. Proper authority to provide duly certified hospital buildings.
-

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B I L L

TO

Provide for the organization of a Mercantile Marine Hospital A.D. 1877.
 Service and the Medical Examination of Seamen. —

WHEREAS it hath appeared that great loss of life and property has arisen from the fact of vessels of the Mercantile Marine having proceeded to sea undermanned by reason of sickness, and the shipping of men totally unfit for the contingencies of sea life :

5 And whereas it is expedient that due provision should be made by the establishment of a medical department for bettering the present condition of, and for the prevention and treatment of disease among, sailors of the Mercantile Marine of Great Britain :

Be it therefore enacted by the Queen's most Excellent Majesty,
 10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as "The Mercantile Short title.
 15 Marine Hospital Service Act, 1877."

2. In the construction and for the purposes of this Act, the Definitions.
 following terms shall have the respective meanings herein-after assigned to them ; that is to say,

The word "seaman" shall include any person (except masters,
 20 officers, or pilots) employed or engaged in any capacity on board any ship :

The term "proper authority" shall mean the Board of Trade, or such other governmental department as may have the general superintendence of matters relating to merchant ships and
 25 seamen :

[Bill 79.]

A

A.D. 1877.

The term "medical director" shall mean the person for the time being discharging the duties of principal physician or surgeon under this Act:

The term "medical officer" shall mean the surgeon or physician for the time being doing duty to be appointed under this Act. 5

Inspection of Seamen.

Inspection
shall be
compulsory.
Mode of
inspection.

3. The medical inspection of all seamen about to go to sea shall be compulsory, and such inspection shall take place prior to and upon each occasion of signing articles. Such inspection shall be made by medical officers to be appointed as herein-after provided, 10 or by such as are already appointed by the Board of Trade. A certificate of such inspection shall be given by the medical officer to each seaman so inspected, in the form set out in Schedule II., and a register of the same kept by such officer. No such certificate shall bear date more than *seven* days prior to a 15 seaman offering himself for service, but to avoid unnecessary delay or detention of a ship in case of any unforeseen accident, or circumstances affecting the numerical strength of his crew, the captain shall be at liberty to replace any one or more of such crew by such seamen as may be in possession of a medical officer's 20 certificate; provided that in all such cases the certificate shall be countersigned by the medical officer of the port from which the vessel sails, or if there be no such officer appointed at such port or place, then by such local medical practitioner as may be appointed for that office. 25

Establishment of a Mercantile Marine Hospital Service.

Hospitals
to be esta-
blished at
certain ports.

4. A mercantile marine hospital service shall be established by the building and organization of Government hospitals for the reception and treatment of the sick of the British Mercantile Marine at the ports indicated in the schedule hereto. For the 30 purposes of this Act the coast line of the United Kingdom shall be divided into districts as specified in the Schedule I., and each such district shall be represented by one of the said ports. Such hospital accommodation shall be in due proportion to the tonnage of such port. Seamen of all nations other than the United 35 Kingdom shall be eligible for admission as in or out patients of any of the said hospitals as may be deemed expedient by the medical staff thereof, on the consul, captain, owner, or consignee complying with the regulations as to payment of such sums to the Mercantile Marine Hospital Fund as may from time to time be 40 provided.

Foreign sea-
men eligible
for admission
under cer-
tain circum-
stances.

A.D. 1877.

Classes of
seamen to
be admitted
or excluded.

5. In every case where a seaman is rejected by the inspecting medical officer as temporarily unfit such seaman shall forthwith be admitted as an in or out patient of the hospital of the port, and if he be so rejected at a place where no such hospital exists, then such seaman shall receive medical or surgical treatment as herein-after provided in section eight. In every case in which a seaman is rejected by the inspecting medical officer as permanently unfit, such seaman shall not be eligible for hospital admission or treatment.

6. The proper authority for the time being shall, *on the commencement of this Act*, appoint a medical officer to be during pleasure medical director of the Mercantile Marine, and whose duties it shall be to supervise all matters connected with the Mercantile Marine Hospital Service, and the expenditure of the fund thereof; and the said proper authority shall from time to time, on the death, resignation, or removal from office of such director, appoint another officer in his stead. Notice of the appointment of every such director shall be published in the London Gazette.

Appointment
of medical
director.

On the commencement of this Act the proper authority for the time being shall appoint a medical officer for each of the ports mentioned in the schedule hereto, I., to be during pleasure medical superintendent of the hospital at such port for the purposes of this Act, and whose duties, in addition to that of the treatment, care, and general supervision of the hospital sick, shall include inspection of seamen, medicine chests, and anti-scorbutics, and also the general medical supervision of the seamen in the district attached to the port to which he belongs. The said proper authority shall, from time to time, on the death, resignation, or removal of any such medical officer, appoint another such officer in his stead.

Appointment
of medical
officers.

7. The said medical director, medical officers, and all persons appointed under this Act, shall be remunerated for their respective services at such rate as the proper authority may direct, and such remuneration shall be paid out of the Mercantile Marine Hospital Fund.

Remune-
ration of
medical
officers.

Mode of defraying Expenses of Service.

8. A fund for the carrying out of this Act, to be called the "Marine Hospital Service Fund," shall be created as hereafter mentioned, and all expenses of carrying out the working of this Act under the supervision of the proper authority shall be paid out of such fund by the medical director.

Creation of
Mercantile
Marine Hos-
pital Fund.

A.D. 1877.

A charge shall be made and collected by the collector of customs, or such other person as may be appointed, at the various ports of the United Kingdom from the master or owners of every British vessel, whether engaged in the home or foreign trade.

Such charge shall be at the rate of *one shilling* in the pound per 5 month on the wages of each and every officer and seaman who shall be employed on any such British vessel, which sum the master or owner of such vessel is hereby authorised and required to deduct from the wages of the officer or seaman, and to pay the same to the collector of customs, who shall pay in the same without any deduction to 10 the Treasury to the account of the "Mercantile Marine Hospital Fund;" and any master or owner who shall render a false account of the number of officers and crew, the length of time they have been severally employed, or of the amount of wages paid or due to each and every officer or man, shall incur a penalty for each 15 such default not exceeding *fifty* pounds, and any sums to be received by way of such penalty shall be paid into the Treasury to the account of the Mercantile Marine Hospital Fund. The needful regulations for the mode of collecting the sums mentioned, including penalties, in this section shall be made and issued by and under 20 the direction of the proper authority. Seamen of all nations, other than those forming the crews of British ships, shall be eligible for admission to or for hospital treatment, as may be deemed expedient, on the payment by the consul, captain, owner, or consignee of such sum of money as shall be prescribed by the proper 25 authority.

Proper
authority to
provide duly
certified
hospital
buildings.

9. The medical director under the proper authority as aforesaid shall provide buildings or floating iron hospitals, and shall furnish and complete the same with all necessary accommodation, as hospitals for the purpose of this Act; and such building or parts of 30 buildings so provided and certified in writing by the proper authority to be so provided shall be deemed a certified hospital under this Act; and every certified hospital so provided shall be placed under the control of a medical officer as provided by this Act.

SCHEDULE I.

A.D. 1877.

ENGLAND AND WALES.

Hospital Port.

District.

EAST COAST :

- 5 London, Custom House.—The Thames, from London Bridge to Greenwich, inclusive.
- Gravesend - - - The Thames and coast towns from Greenwich to Dungeness South and Yarmouth North, inclusive.
- 10 Hull - - - From Whitby North, inclusive, to Yarmouth.
- Shields - - - From Berwick to Whitby.

SOUTH COAST :

- Southampton - - - From Dungeness East, inclusive, to Lyme Regis West, inclusive.
- 15 Falmouth - - - From Ilfracombe West, inclusive, to Lyme Regis East.

WEST COAST :

- Bristol - - - From Gloucester, inclusive, to Ilfracombe.
- Cardiff - - - From Chepstow, inclusive, to Swansea.
- 20 Swansea - - - From Swansea to Chester, inclusive, and Anglesey, inclusive.
- Liverpool - - - From Chester to Dumfries.

SCOTLAND.

EAST COAST :

- 25 Leith - - - From Leith, inclusive, to Berwick, inclusive.
- Dundee - - - From Stonehaven, inclusive, to Leith.
- Aberdeen - - - From Wick, inclusive, to Stonehaven.

WEST COAST :

- Dumfries - - - From Dumfries to Ayr, inclusive.
- 30 Glasgow - - - From Ayr to Dumbarton, including the Clyde.
- [79.]

A.D. 1877.

IRELAND.

Hospital Port.	District.	
EAST COAST :		
Dublin -	- From Wicklow to Kerry, inclusive.	
Belfast -	- From Fairhead, inclusive, to Kerry.	5
Wexford -	- From Dungarvon, inclusive, to Wicklow.	
NORTH COAST :		
Londonderry	- From Newport, inclusive, to Fairhead.	
WEST COAST :		
Galway -	- From Bantry Bay, inclusive, to Newport.	10
SOUTH COAST :		
Cork -	- From Bantry Bay to Dungarvon Harbour.	

SCHEDULE II.

A.D. 1877.

Port of _____ District _____.

MERCANTILE MARINE HOSPITAL SERVICE ACT, 1875.

MEDICAL INSPECTION OF SEAMEN.

5 *Certificate of Inspection*

N.B. ---A copy of this Certificate to be given to each Seaman after inspection.

10

Name of Seaman.	Age.	Nationality.	Complexion.	Height.	Rating.	Ship for which formerly inspected, and Date.	Ship for which now inspected.†	Owner's Name.
Christian Name.								
Surname.								

† If no ship, insert "No ship."

I hereby certify that I have examined the above-named seaman, and that
15 I find him as follows:—

(a) *That he is fit for duty at sea.

(b) *That he is not fit for duty at sea, for the following reasons:—

Obliterate (a)
or (b) as
required.

Given under my hand this day of 187 .

20 _____ Medical Director of Hospital,
 or,
 Medical Officer, &c. as case may be.

To the Superintendent of the
Mercantile Marine Office.

Mercantile Marine Hospital.

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BILL

To provide for the organization of a
Mercantile Marine Hospital Service
and the Medical Examination of
Seamen.

*(Prepared and brought in by
Captain Pim and Mr. Wheelhouse.)*

*Ordered, by The House of Commons, to be Printed,
13 February 1877.*

[Bill 79.]

Under 2 oz.

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Areas within the Metropolis. A.D. 1877.

WHEREAS the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, has made the Provisional Orders set forth in the Schedule hereunto annexed under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875 :

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Orders set out in the Schedule hereunto annexed are hereby confirmed. Provisional
Orders in
Schedule
confirmed.

2. This Act may be cited as the Metropolis (Goulston Street, Flower and Dean Street, Whitechapel, &c.) Improvement Provisional Orders Confirmation Act, 1877. Short title.

SCHEDULE.

A.D. 1877. *The Artizans and Labourers Dwellings Improvement Act, 1875.*

METROPOLIS (GOULSTON STREET AND FLOWER AND DEAN STREET, WHITECHAPEL,) IMPROVEMENT.

PROVISIONAL ORDER.

5

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act, for the improvement of two areas situated within the Whitechapel District, and subject to the jurisdiction of the said Board as the Local Authority under the said Act:

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the areas to which the scheme relates, for the purpose of ascertaining the correctness of the official representations made to the Metropolitan Board of Works as to the areas, and the sufficiency of the scheme provided for their improvement, and any local objections to be made to such scheme:

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act:

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report:

And whereas the number of persons of the working class that will be displaced by the scheme if carried out in accordance with this Order is estimated to be 3,247, as set forth in the following Table : A.D. 1877.

5		Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
10	In the Goulston Street area, containing $4\frac{4}{10}$ acres. (Map A. No. 10, annexed to the said scheme) -	257 185 90	1 2 3 or more.	257 370 340	3.20 4.76 5.3	833 882 478
15	In the Flower and Dean Street area, containing $2\frac{8}{10}$ acres. (Map A. No. 11, annexed to the said scheme) -	289 34 17	1 2 3 or more.	289 68 57	2.83 4.36 5.0	820 149 85
20		872 Holdings		1,381 Rooms		3,247 Occupants

And, in addition, there are in the Flower and Dean Street area registered lodging-houses containing 123 rooms, with accommodation for 757 occupants :

Now I, in pursuance of the powers vested in me by the said Act, hereby
25 confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. With respect to the limits of the improvement areas :

The following lands and premises ;

(a.) Such of the lands and premises included in one or other of the
30 unhealthy areas in respect of which official representations were made, as are herein-after mentioned ; that is to say,

The lands and premises in the rear of and belonging to 141 and 142,
Whitechapel High Street ;

35 The lands and premises on the South side of Goulston Square, numbered 200 on the said Map A. No. 10. ;

The lands and premises on the South side of Wentworth Street, numbered 228 on the said Map A. No. 10. ;

The lands and premises, 56, Wentworth Street ;

40 The lands and premises on the West side of George Street, numbered 120 on the said Map A. No. 11. ;

(b.) The lands and premises consisting of 94 and $94\frac{1}{2}$ Wentworth Street, which were by mistake coloured red in the said Map A. No. 11. annexed to the said scheme, as if they had been included in the unhealthy area in respect of which official representation was made ;

45 shall not be deemed part of the unhealthy areas in respect of which official representations were made, but shall form part of the improvement areas to

Metropolis Improvement Provisional [40 & 41 VICT.]
Orders Confirmation.

A.D. 1877. which the scheme as amended by this Order shall relate, and shall be deemed to have been included in the scheme as neighbouring lands.

The lands and premises in the rear of 3 and 4 Sugar Loaf Court, and within the yard belonging to 51, Wentworth Street, shall not form part of the improvement areas to which the scheme as amended by this Order shall relate. 5

2. With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if in lieu of the Plans B. No. 10. and B. No. 11. annexed thereto there were substituted the Plans C. No. 10. and C. No. 11. annexed to a copy of this Order, and signed by one of Her Majesty's Principal Secretaries of State, and deposited at the Home Office, and as if in lieu of 10 the Schedule B. annexed to the said scheme there was substituted the following :

SCHEDULE B.

The dwellings for persons of the working class, to be erected on the lands constituting the improvement areas, shall be built in blocks distinguished by the letters A, B, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R, S, T, U, V, X, respectively shown on the plans marked C. No. 10. and C. No. 11., so signed and deposited as aforesaid, in the situations where the said blocks are to be placed. 15

In the Flower and Dean Street area blocks shall be constructed to serve as registered lodging-houses, capable of accommodating 20 in the aggregate 760 persons, each of such blocks to consist of five storeys, and each storey to be not less than nine feet in the clear. The remaining blocks in the said area and the blocks in the Goulston Street area shall each consist of five storeys (with the exception of the blocks V and X, each of which shall consist only 25 of four storeys), each storey being not less than eight feet in height in the clear, and shall be so constructed as to provide in the aggregate accommodation for not less than 3,260 persons of the working class, as set forth in the subjoined table :—

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	30
100	1	100	2	200	35
615	2	1,230	4	2,460	
120	3	360	5	600	
835 Holdings		1,690 Rooms		3,260 Occupants	

Each block shall, on every storey, according to the number and size 40 of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust-shoots.

The buildings on the lands constituting the improvement areas when the same shall have been acquired, shall be taken down and

removed in sections of buildings, and new buildings on the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works with the approval of one of Her Majesty's Principal Secretaries of State. A.D. 1877.

As shown in the said plans so signed and deposited as aforesaid, the following streets shall be widened:—

Middlesex Street shall be widened to forty feet from Whitechapel High Street to Wentworth Street.

Goulston Street shall be widened to forty feet.

New Goulston Street shall be widened to thirty feet.

Wentworth Street shall be widened to forty feet from Middlesex Street to Old Castle Street.

Wentworth Street shall be widened to forty feet from Commercial Street to George Yard.

George Street shall be widened to thirty feet.

Flower and Dean Street shall be widened to thirty feet from the rear of houses in Commercial Street to George Street.

Upper Keate Street and Keate Court shall be widened to thirty feet.

Home Office, Whitehall,
14 May 1877.

RICHD. ASSHETON CROSS.

SCHEME AS MADE BY THE METROPOLITAN BOARD OF
WORKS.

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (GOULSTON STREET, AND FLOWER AND
DEAN STREET, WHITECHAPEL,) IMPROVEMENTS.

SCHEME for the Improvement of certain Lands within the Metropolis, situate in the District of Whitechapel, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875.

Preliminary.

WHEREAS official representations, under the provisions of the 3rd Section of the Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, by John Liddle, M.B., the Medical Officer of Health of the Board of Works for the Whitechapel District, with respect to certain areas situate within the said district, and under our jurisdiction as the Local Authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to the effect that the said areas are unhealthy areas, inasmuch as diseases, indicating a generally low condition of health amongst the population in the said areas, have been from time to

A.D. 1877. time prevalent, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement of the streets and courts, and the bad condition of the houses, within the said areas respectively, and that evils connected with the said streets, courts, and houses, and the sanitary defects in the said areas respectively, cannot be effectually remedied otherwise than by 5 an improvement scheme for the re-arrangement and re-construction of the streets and houses within the said areas respectively :

And whereas we, the Metropolitan Board of Works, have taken such representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, have passed resolutions to the 10 effect that parts of the said areas are unhealthy, and that an improvement scheme ought to be made in respect thereof :

Now, therefore, we the Metropolitan Board of Works, in furtherance of such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred 15 upon us, do make the scheme following :

Improvement Area.

1. The lands delineated and coloured red and blue on the maps marked A. No. 10. and A. No. 11. to this scheme annexed (on which maps the lands referred to in the before-mentioned resolutions are coloured red, and the 20 neighbouring lands are coloured blue), shall constitute the improvement area to which this scheme applies.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily. 25

Appropriation of Lands.

3. Upon the lands constituting the said improvement area, dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations, and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this Scheme annexed, and the streets 30 and approaches shown on the plans marked B. No. 10. and B. No. 11. to this scheme annexed shall be made, widened, and improved, as nearly as may be, in the lines as shown on the said plan, and according to the particulars set forth in the Schedule B. to this Scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting 35 the said improvement area, any regulation made for the purposes, and in the manner specified in the particulars set forth in the Schedule B. to this Scheme annexed, shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this Scheme into execution 40 in accordance with, and subject to, the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions

and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order. A.D. 1877.
—

Short Title.

- 5 6. This Scheme may be cited for all purposes as “The Metropolis (Goulston Street, and Flower and Dean Street, Whitechapel,) Improvements Scheme, 1877.”
Maps marked A. No. 10. and A. No. 11. and plans marked B. No. 10. and B. No. 11. referred to in the foregoing Scheme.

SCHEDULE B.

- 10 PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 1,050 tenements, which shall be composed of not less than 340 tenements of one room, 590 tenements of two rooms, 120 tenements
15 of three or more rooms, affording accommodation for not less than 3,967 persons, that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 1,880 rooms for their accommodation, in lieu of 1,483 rooms now occupied by them.

- Each block shall be furnished with waterclosets, sinks with water supply,
20 and dust shoots, according to the number and size of the tenements in such block.

- The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according to
25 regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

Streets.

Shown upon Plans B. No. 10. and B. No. 11.

- 30 Middlesex Street to be widened to 40 feet from High Street to Wentworth Street.

Goulston Street to be widened to 40 feet.

New Goulston Street to be widened to 30 feet.

- Wentworth Street to be widened to 40 feet from Middlesex Street to Old
35 Castle Street.

Wentworth Street to be widened to 40 feet from Commercial Street to George Yard.

George Street to be widened to 30 feet.

- Flower and Dean Street to be widened to 30 feet from rear of houses in
40 Commercial Street to George Street.

Upper Keate Street and Keate Court to be widened to 30 feet.

A.D. 1877.

ESTIMATE required by Section 5 of the Act.

					£	
Cost of land, &c.	-	-	-	-	-	267,629
Cost of roads	-		-	-	-	20,000
						<hr/> 287,629
						5
Less recoupment	-	-	-	-	-	139,856
						<hr/>
Total net cost	-	-	-	-	-	147,773
						<hr/>

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (SAINT GEORGE THE MARTYR,
SOUTHWARK,) IMPROVEMENT.

10

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act, for the improvement of three areas situated within the parish of Saint George the Martyr, Southwark, and subject to the jurisdiction of the said Board as the Local Authority under the said Act: 15

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order: 20

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the areas to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made to the Metropolitan Board of Works as to the areas, and the sufficiency of the scheme provided for their improvement, and any local objections to be made to such scheme: 25

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act: 30

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report: 35

And whereas the number of persons of the working class that will be displaced by the scheme if carried out in accordance with this Order is estimated to be 926, as set forth in the following Table:

A.D. 1877.

5		Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
10	In the Elizabeth Place area. (Map A. No. 6. annexed to the said Scheme) -	21 56 12	1 2 3 or more.	21 112 46	2.3 4.76 4.1	48 267 49
15	In the King Street area. (Map A. No. 7. annexed to the said Scheme) -	12 37 16	1 2 3 or more.	12 74 52	2.25 3.78 4.9	27 140 77
20	In the Mint Street area. (Map A. No. 8. annexed to the said Scheme) -	76 13 19	1 2 3 or more.	76 26 76	2.25 4.77 4.47	171 62 85
	Holdings -	262		Rooms 495		Occupants 926

25 And in addition there are in the Mint Street area aforesaid 10 registered lodging-houses with 61 rooms, and accommodation for 340 persons:

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications:

30 With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if in lieu of the Plan B. No. 8. annexed to the said scheme there were substituted the Plans C. No. 6., C. No. 7., and C. No. 8. annexed to a copy of this Order, and signed by one of Her Majesty's Principal Secretaries of State, and deposited in the Home
35 Office, and as if in lieu of the Schedule B. annexed to the said scheme there was substituted the following:

SCHEDULE B.

40 The dwellings for persons of the working class, to be erected on the lands constituting the improvement areas, shall be built in blocks distinguished by the letters A., B., C., D., E., F., G., H., and J., respectively shown on the plans marked C. No. 6., C. No. 7., and C. No. 8. so signed and deposited as aforesaid, in the situations where the said blocks are to be placed.

45 In the Mint Street area a block shall be constructed to serve as a registered lodging-house, capable of accommodating in the aggregate 340
[206.] B

A.D. 1877.

persons. Such block shall consist of four or five storeys, as the Metropolitan Board may think fit, each storey being not less than nine feet in the clear. The remaining blocks in the said area and the blocks in the other two areas shall each consist of four storeys, each storey being not less than eight feet in the clear, and shall be so constructed as to provide 5 in the aggregate accommodation for not less than 1,108 persons of the working class, as set forth in the subjoined table :—

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	10
50	1	50	2	100	
177	2	354	4	708	
60	3	180	5	300	15
Holdings 287		Rooms 584		Occupants 1,108	

Each block shall, on every storey, according to the number and size of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust-shoots, and in each block (except the block intended to serve as a registered lodging-house) there shall be provided such 20 standing room for trucks, and such store-room for goods as may be suitable for the use of costermongers.

The buildings on the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be 25 erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works with the approval of one of Her Majesty's Principal Secretaries of State.

Streets.

As shown upon the plans so signed and deposited as aforesaid :— 30

Mint Street shall be widened to thirty feet between Harrow Street and Blue Ball Alley.

Harrow Street shall be widened to thirty feet between Mint Street and Suffolk Court.

Blue Ball Alley shall be widened to thirty feet. 35

Webber Row, so far as it is affected by the scheme, shall be widened to thirty feet.

Tower Street, so far as it is affected by the scheme, shall be widened to thirty feet.

King Street, so far as it is affected by the scheme, shall be widened to 40 thirty feet.

Home Office, Whitehall,
14 May 1877.

RICHD. ASSHETON CROSS.

SCHEME AS MADE BY THE METROPOLITAN BOARD OF
WORKS.

A.D. 1877.

The Artizans and Labourers Dwellings Improvement Act, 1875.

5 METROPOLIS (ELIZABETH PLACE, KING STREET, AND
MINT STREET, ST. GEORGE-THE-MARTYR, SOUTH-
WARK,) IMPROVEMENT.

SCHEME for the Improvement of certain Lands within the Metropolis, situate
in the Parish of St. George-the-Martyr, Southwark, in pursuance of the
Artizans and Labourers Dwellings Improvement Act, 1875.

10

Preliminary.

WHEREAS official representations, under the provisions of the third section of
the Artizans and Labourers Dwellings Improvement Act, 1875, were made to
us, the Metropolitan Board of Works, by Henry Bateson, M.D., the Medical
Officer of Health for the district of St. George-the-Martyr, Southwark, with
15 respect to certain houses, courts, and alleys within areas situate in the parish of
St. George-the-Martyr, Southwark, and under our jurisdiction as the Local
Authority within the meaning of the said Artizans and Labourers Dwellings
Improvement Act, 1875, to the effect that the said houses, courts, and alleys
are, by reason of want of light, air, ventilation, or of proper conveniences
20 unfit for human habitation, and that the evils connected with the said houses,
courts, and alleys, and the sanitary defects in such areas respectively, cannot
be effectually remedied otherwise than by an improvement scheme for the
re-arrangement and re-construction of the streets and houses within the said
areas respectively:

25 And whereas we, the Metropolitan Board of Works, have taken such repre-
sentations respectively into our consideration, and being satisfied of the truth
thereof, and of the sufficiency of our resources, have passed resolutions to the
effect that the said areas are unhealthy areas, and that an improvement
scheme ought to be made in respect thereof:

30 Now, therefore, we, the Metropolitan Board of Works, in furtherance of such
resolutions, and in pursuance of the provisions of the Artizans and Labourers
Dwellings Improvement Act, 1875, and the powers by the said Act conferred
upon us, do make the scheme following:

Improvement Area.

35 1. The lands delineated and coloured red and blue on the maps marked
A. No. 6., A. No. 7., and A. No. 8., to this scheme annexed (on which maps
the lands referred to in the before-mentioned resolutions are coloured red, and
the neighbouring lands are coloured blue), shall constitute the improvement
area to which this scheme applies.

A.D. 1877.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily.

Appropriation of Lands.

3. Upon the lands constituting the said improvement area, dwellings for the 5 working classes shall be erected, which shall be so constructed as to afford the accommodations and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this scheme annexed, and the streets and approaches shown on the plan marked B. No. 8., to this scheme annexed, shall be made, widened, and improved, as nearly as may be, in the lines as 10 shown on the said plan, and according to the particulars set forth in the Schedule B. to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting the said improvement area, any regulation made for the purposes and in the manner specified in the particulars set forth in the Schedule B. to this scheme 15 annexed, shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution in accordance with, and subject to, the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modi- 20 fications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order.

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis 25 (St. George-the-Martyr, Southwark,) Improvement Scheme, 1877."

Maps marked A. No. 6., A. No. 7., and A. No. 8., and plan marked B. No. 8., referred to in the foregoing scheme.

SCHEDULE B.**PARTICULARS referred to in the foregoing SCHEME.**

30

THE dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 455 tenements, which shall be composed of not less than 160 tenements of one room, 235 tenements of two rooms, 60 tenements of three or more rooms, affording accommodation for not less than 1,340 persons, 35 that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 810 rooms for their accommodation, in lieu of 602 rooms now occupied by them.

Each block shall be furnished with waterclosets, sinks with water supply, and dust-shoots, according to the number and size of the tenements in such 40 block.

The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

A.D. 1877.

Streets.

Shown upon plan B. No. 8.

10 Mint Street to be widened to 30 feet between Harrow Street and Blue Ball Alley.

Harrow Street to be widened to 30 feet between Mint Street and Suffolk Court.

Blue Ball Alley to be widened to 30 feet.

ESTIMATE required by section 5 of the Act.

15	Cost of land, &c.	-	-	-	-	-	£ 56,520
	Cost of roads	-	-	-	-	-	3,240
							<hr/> 59,760
	Less recoupment	-	-	-	-	-	26,407
							<hr/> 33,353
	Total net cost	-	-	-	-	-	33,353

20 *The Artizans and Labourers Dwellings Improvement Act, 1875.*

METROPOLIS (BEDFORDBURY, SAINT MARTIN-IN-THE-FIELDS, AND STRAND DISTRICT,) IMPROVEMENT.

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right
 25 Honourable Richard Assheton Cross, one of Her Majesty's Principal Secre-
 taries of State, a Petition praying that an Order might be made confirming a
 scheme prepared by the said Board, under the above-mentioned Act, for the
 improvement of an area situated partly within the Parish of St. Martin-in-the-
 Fields and partly within the Strand District, and subject to the jurisdiction of
 30 the said Board as the Local Authority under the said Act:

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I

A.D. 1877. thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made to the Metropolitan Board of Works as to the area, and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme: 5

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act: 10

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report:

And whereas the number of persons that will be displaced by the Scheme is estimated to be 797, as set forth in the subjoined table:— 15

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	
195	1	195	2·87	560	20
40	2	80	3·67	147	
20	3	81	4·5	90	
	or more.				
Holdings - 255		Rooms 356		Occupants 797	25

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications:

With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if in lieu of the plan marked B. No. 1., annexed to the said scheme, there was substituted the plan marked C. No. 1., annexed to a copy of this Order, and signed by one of Her Majesty's Principal Secretaries of State, and deposited at the Home Office, and as if in lieu of the Schedule B. annexed to the said scheme, there was substituted the following: 30 35

SCHEDULE B.

The dwellings for persons of the working class, to be erected on the lands constituting the improvement area, shall be built in blocks distinguished by the letters A, B, C, D, E, F, respectively shown on the plan marked C. No. 1., so signed and deposited as aforesaid, in the situations where the said blocks are to be placed. Each block shall be five storeys in height, with the exception of the block A, which shall consist of six storeys. Each storey shall be not less than eight feet in height in the clear. 40

The blocks in the said area shall be so constructed as to provide in the aggregate accommodation for not less than 817 persons of the working class, as set forth in the subjoined table:—

A.D. 1877.

5	Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
10	100 123 20	1 2 3	100 246 60	2·25 4 5	225 492 100
	Holdings - 243		Rooms 406		Occupants 817

Each block shall, on every storey, according to the number and size of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust-shoots.

The buildings on the lands constituting the improvement area when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works with the approval of one of Her Majesty's Principal Secretaries of State.

Streets.

As shewn on the plan so signed and deposited as aforesaid:

- 25
- Bedfordbury shall be widened to 30 feet.
- Chandos Street shall be widened to 45 feet between No. 60 and Bedfordbury.
- A new street, 30 feet wide, shall be formed from Bedfordbury to Bedford Court.

30

Home Office, Whitehall,
14 May 1877.

RICHD. ASSHETON CROSS.

A.D. 1877.

SCHEME AS MADE BY THE METROPOLITAN BOARD OF
WORKS.*The Artizans and Labourers Dwellings Improvement Act, 1875.*METROPOLIS (BEDFORDBURY, SAINT MARTIN-IN-THE
FIELDS, AND STRAND DISTRICT,) IMPROVEMENT. 5

SCHEME for the improvement of certain lands within the Metropolis, situate in the parish of Saint Martin-in-the-Fields and in the Strand District, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875.

Preliminary.

10

WHEREAS official representations, under the provisions of the third section of the Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, by John J. Skegg, the Medical Officer of Health to the parish of Saint Martin-in-the-Fields, with respect to certain areas, situate in the said parish, and under our jurisdiction as the Local Authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to the effect that the said areas are unhealthy areas, inasmuch as diseases, indicating a generally low condition of health amongst the population in the said areas have been from time to time prevalent, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement of the streets and courts, and the bad condition of the houses within the said areas respectively, and that the evils connected with the said streets, courts, and houses, and the sanitary defects in the said areas respectively, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and houses within the said areas respectively :

15

20

25

And whereas we, the Metropolitan Board of Works, have taken such representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, have passed a resolution to the effect that part of the said areas is unhealthy, and that an improvement scheme ought to be made in respect thereof.

30

Now, therefore, we, the Metropolitan Board of Works, in furtherance of such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred upon us, do make the scheme following :

Improvement Area.

35

1. The lands delineated and coloured red and blue on the map marked A. No. 1. to this scheme annexed, (on which map the lands referred to in the before-mentioned resolutions are coloured red, and the neighbouring lands are coloured blue,) shall constitute the improvement area to which this scheme applies.

40

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily. A.D. 1877.

Appropriation of Lands.

5 3. Upon the lands constituting the said improvement area, dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations, and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this scheme annexed, and the streets and approaches shown on the plan marked B. No. 1. to this scheme annexed,
10 shall be made, widened, and improved, as nearly as may be, in the lines, as shown on the said plan, and according to the particulars set forth in the Schedule B. to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting the said improvement area, any regulation made for the purposes and in the
15 manner specified in the particulars set forth in the Schedule B. to this scheme annexed shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution in accordance with, and subject to, the provisions of the Artizans and
20 Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order.

Short Title.

25 6. This scheme may be cited for all purposes as, "The Metropolis (Bedfordbury, Saint Martin-in-the-Fields, and Strand District,) Improvement Scheme, 1877."

Map marked A. No. 1. and plan marked B. No. 1. referred to in the foregoing scheme.

30

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 262 tenements, which shall be composed of not less than
35 100 tenements of one room, 140 tenements of two rooms, 22 tenements of three or more rooms, affording accommodation for not less than 811 persons, that is the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 446 rooms for their accommodation, in lieu of 370 rooms now occupied by them.

40 Each block shall be furnished with waterclosets, sinks with water supply, and dust-shoots, according to the number and size of the tenements in such block.

A.D. 1877. The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

Streets.

Bedfordbury to be widened to 30 feet.
Chandos Street to be widened to 45 feet between No. 60 and Bedfordbury, as shown upon Plan B. No. 1. hereunto annexed. 10
A new street, 30 feet wide, to be formed from Bedfordbury to Bedford Court.

ESTIMATE required by Section 5 of the Act.

						£	
Cost of land, &c.	-	-	-	-	-	83,565	
Cost of roads	-	-	-	-	-	2,970	15
						86,535	
Less recoupment	-	-	-	-	-	22,540	
Total net cost	-	-	-	-	-	63,995	

Metropolis Improvement Provisional Orders Confirmation. [H.L.]

B I L L

INTITLED

An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the improvement of certain Areas within the Metropolis.

(Brought from the Lords 21 June 1877.)

Ordered, by The House of Commons, to be Printed,
21 June 1877.
[Bill 206.]
Under 3 oz.

A.

B I L L

INTITULED

An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis. A.D. 1877.

WHEREAS the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, has made the Provisional Orders set forth in the Schedule hereunto annexed under the Artizans and Labourers Dwellings Improvement Act, 5 1875 :

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Orders set out in the Schedule hereunto annexed are hereby confirmed. Provisional Orders in Schedule confirmed.

2. This Act may be cited as The Metropolis (Great Wild Street, 15 &c.) Improvement Provisional Orders Confirmation Act, 1877. Short title.

A.D. 1877.

SCHEDULE.

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (GREAT WILD STREET, ST. GILES-IN-
THE-FIELDS,) IMPROVEMENT.

PROVISIONAL ORDER,

5

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act, for the improvement of an area situated within the Parish of St. Giles-in-the-Fields, and subject to the jurisdiction of the said Board as the Local Authority under the said Act: 10

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made to the Metropolitan Board of Works as to the area, and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme: 15 20

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act: 25

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report:

A.D. 1877.

And whereas the number of persons of the working class that would be displaced by the scheme as submitted by the said Metropolitan Board is estimated to be 1,598, as set forth in the following Table :

5	Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
	365	1	365	3·02	1,104
	98	2	196	3·80	371
10	29	3 or more.	110	4·24	123
	492 Holdings.		671 Rooms.		1,598 Occupants.

And in addition there are 5 registered lodging-houses, containing 44 rooms, with accommodation for 241 persons :

15 And whereas I am of opinion that the said Scheme should not be confirmed unless there are included therein the houses Nos. 134, 135, 136, and 137, Drury Lane, coloured yellow on the Plan C, No. 2, annexed to a copy of this Order, and signed by me, and deposited at the Home Office ; and such houses contain 30 rooms, with accommodation for 64 occupants :

20 Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said Scheme and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. With respect to the limits of the improvement area, the said houses Nos. 134, 135, 136, and 137, Drury Lane shall form part of the improvement area to which the Scheme as amended by this Order shall relate, and the said Metropolitan Board shall have power to purchase the said houses but not by compulsion ; and the said Scheme shall not come into operation until a valid agreement has been entered into for the purchase of the said houses, and if such agreement is not entered into within six calendar months from the date of the passing of the Act of Parliament confirming this Order, the said Scheme shall be null and void as if this Order had not been made.

2. With respect to the appropriation of lands—the Scheme of the Metropolitan Board shall be read as if in lieu of the Plan B. No. 2 annexed thereto there was substituted the Plan CC. No. 2 annexed to a copy of this Order, and signed by me, and deposited at the Home Office, and as if in lieu of the Schedule B. annexed to the said Scheme there was substituted the following :

SCHEDULE B.

40 The dwellings for persons of the working class, to be erected on the lands constituting the improvement areas, shall be built in blocks distinguished by the letters A, B, C, D, E, and F, respectively

*Metropolis Improvement Provisional [40 & 41 VICT.]
Orders Confirmation (Great Wild Street, &c.)*

A.D. 1877.

shown on the plan marked CC. No. 2, so signed and deposited as
aforesaid, in the situations where the said blocks are to be placed.
The block marked A shall consist of six storeys, and the remaining
blocks of five storeys. One of such remaining blocks shall be
constructed so as to serve as a registered lodging-house, and to 5
be capable of accommodating 240 persons, and each storey in that
block shall be not less than nine feet high in the clear. In each
of the blocks (except the block appropriated as a registered
lodging-house) each storey shall be not less than eight feet in the
clear, and such blocks shall be so constructed as to provide in the 10
aggregate accommodation for not less than 1,679 persons as shown
by the following table :

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	15
205	1	205	2.5	512	
224	2	448	4.5	1,008	
29	3	87	5.5	159	20
458 Holdings.		740 Rooms.		1,679 Occupants.	

Each block shall, on every storey, according to the number and size of
the buildings therein, be furnished with waterclosets, sinks with
water supply, and dust shoots. Arrangements shall also be made 25
for providing in the improvement area, such standing room for
trucks, and such store-room for goods as may be suitable for the
use of costermongers occupying rooms in any of the said blocks.
The buildings on the lands constituting the improvement area when the
same shall have been acquired, shall be taken down and removed 30
in sections of buildings, and new buildings on the said lands shall
be erected, according to regulations to be from time to time made
in that behalf by the Metropolitan Board of Works with the approval
of one of Her Majesty's Principal Secretaries of State.

Streets. 35

As shown on the said plan CC. No. 2. so signed and deposited as
aforesaid the following streets shall be widened :—

Princes Street shall be widened to forty feet between Drury
Lane and Great Wild Street.

The eastern end of Great Wild Street shall be widened to forty 40
feet.

Home Office, Whitehall, RICHD. ASSHETON CROSS.
17th May 1877.

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (GREAT WILD STREET, ST. GILES-IN-THE-FIELDS,) IMPROVEMENT.

5 SCHEME for the Improvement of certain Lands within the Metropolis, situate in
the Parish of St. Giles-in-the-Fields, in pursuance of the Artizans
and Labourers Dwellings Improvement Act, 1875.

Preliminary.

WHEREAS official representations, under the provisions of the 3rd section
of the Artizans and Labourers' Dwellings Improvement Act, 1875, were
10 made to us, the Metropolitan Board of Works, by S. R. Lovett, the Medical
Officer of Health of the Board of Works for the St. Giles District, with
respect to certain areas situate in the parish of St. Giles-in-the-Fields, and
under our jurisdiction as the Local Authority, within the meaning of the said
Artizans and Labourers Dwellings Improvement Act, 1875, to the effect
15 that the said areas are in a state dangerous to health and unfit for human
habitation, and that diseases indicating a generally low condition of health
amongst the population in the said areas have been from time to time prevalent,
and that such prevalence may reasonably be attributed to the closeness,
narrowness, and bad arrangement of the courts, and the bad condition of the
20 houses within the said areas respectively, and that the evils connected with
the said courts and houses, and the sanitary defects in the said areas
respectively, cannot be effectually remedied otherwise than by an improvement
scheme for the re-arrangement and re-construction of the streets and houses
within the said areas respectively :

25 And whereas we, the Metropolitan Board of Works, have taken such
representations respectively into our consideration, and being satisfied of the
truth thereof, and of the sufficiency of our resources, have passed resolutions
to the effect that part of the said areas is unhealthy, and that an Improvement
Scheme ought to be made in respect thereof:

30 Now, therefore, we, the Metropolitan Board of Works, in furtherance of
such resolutions; and in pursuance of the provisions of the Artizans and
Labourers Dwellings Improvement Act, 1875, and the powers by the said
Act conferred upon us, do make the scheme following:—

Improvement Area.

35 1. The lands delineated and coloured red on the map marked A. No. 2 to
this scheme annexed (on which map the lands referred to in the before-
mentioned resolutions are coloured red) shall constitute the improvement area
to which this scheme applies.

A.D. 1877.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily.

Appropriation of Lands.

3. Upon the lands constituting the said improvement area, dwellings for 5
the working classes shall be erected, which shall be so constructed as to afford
the accommodations, and to have the sanitary arrangements specified in the
particulars set forth in the Schedule B to this scheme annexed, and the streets
and approaches shown on the plan marked B. No. 2 to this scheme annexed,
shall be made, widened, and improved as nearly as may be, in the lines as 10
shown on the said plan, and according to the particulars set forth in the
Schedule B to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting
the said improvement area, any regulation made for the purposes and in the
manner specified in the particulars set forth in the Schedule B to this scheme 15
annexed shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution
in accordance with, and subject to the provisions of the Artizans and
Labourers Dwellings Improvement Act, 1875, and subject to such conditions 20
and modifications as may be prescribed and made under the authority of the
said Act, the Provisional Order authorising the execution of this scheme,
or the Act confirming such Provisional Order.

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis (Great 25
Wild Street, St. Giles-in-the-Fields) Improvement Scheme, 1877."

Map marked A. No. 2 and plan marked B. No. 2 referred to in the
foregoing scheme.

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME. 30

The dwellings to be erected upon the lands constituting the improvement
area shall be built in blocks, which shall be so constructed as to contain in the
aggregate not less than 527 tenements, which shall be composed of not less
than 314 tenements of one room, 180 tenements of two rooms, 33 tenements
of three or more rooms, affording accommodation for not less than 1,780 35
persons, that is, the number of persons of the artizan class which will be dis-
placed by the execution of the scheme, and providing 773 rooms for their
accommodation in lieu of 694 rooms now occupied by them.

Each block shall be furnished with waterclosets, sinks with water supply,
and dust shoots, according to the number and size of the tenements in such 40
block.

The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

A.D. 1877.

Streets.

Princes Street to be widened to 30 feet between Drury Lane and Great Wild Street.

10 The eastern end of Great Wild Street to be widened to 40 feet, as shown upon plan B. No. 2, hereunto annexed.

ESTIMATE required by Section 5 of the Act.

					£
	Cost of land, &c.	-	-	-	85,035
	Cost of roads	-	-	-	2,540
					<hr/>
15					87,575
	Less recoupment	-	-	-	38,035
					<hr/>
	Total net cost	-	-	-	49,540
					<hr/>

The Artizans and Labourers Dwellings Improvement Act, 1875.

20 METROPOLIS (PEAR TREE COURT, CLERKENWELL,) IMPROVEMENT.

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act, for the improvement of an area situated within the Parish of St. James, Clerkenwell, and subject to the jurisdiction of the said Board as the Local Authority under the said Act:

25 And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

30 And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made

A.D. 1877

by Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representations made to the Metropolitan Board of Works as to the area, and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

5

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act :

10

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report :

And whereas the number of persons of the working class that will be displaced by the scheme if carried out in accordance with this Order is estimated to be 410, as set forth in the following Table :

15

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
59	1	59	2·8	166
33	2	66	4·6	152
18	3	61	5·1	92
110 Holdings.		186 Rooms.		410 Occupants.

20

25

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. With respect to the limits of the improvement area—

The following lands and premises :

30

(a.) The lands and premises numbered 212 and 213 on the plan marked CC. No. 3, annexed to a copy of this Order and signed by me and deposited at the Home Office :

(b.) The lands and premises coloured green on the plan so signed and deposited as aforesaid, and therein respectively numbered Nos. 35, 36, 37, 38, 49, 50, and part of Nos. 57 and 58, Pear Tree Court, and Nos. 214, 58*, 210, and 211,

35

shall not form part of the improvement area to which the scheme as amended by this Order shall relate.

The lands and premises which on the plan so signed and deposited as aforesaid are numbered Nos. 32, 33, 34, 35*, 51, and 52, Pear Tree Court, and so much of the lands and premises which on the same plan are numbered Nos. 57 and 58

40

A.D. 1877.

Pear Tree Court as is required for the making of the new street, No. 2 as marked on the same plan, shall not be deemed part of the unhealthy area in respect of which official representations were made, but shall form part of the improvement area to which the scheme as amended by this Order shall relate, and shall be deemed to have been included in the scheme as neighbouring lands.

1. With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if in lieu of the plan marked B. No. 3 annexed to the said scheme, there was substituted the aforesaid plan marked CC. No. 3, and as if in lieu of the Schedule B. annexed to the said scheme there was substituted the following:

SCHEDULE B.

The dwellings for persons of the working class to be erected on the lands constituting the improvement area shall be built in blocks distinguished by the letters A, B, C, D, and E, respectively shown on the plan marked C.C. No. 3, so signed and deposited as aforesaid, in the situations where the said blocks are to be placed.

The blocks shall each consist of 4 storeys, each storey being not less than 8 feet high in the clear, and shall be so constructed as to provide in the aggregate accommodation for not less than 454 persons of the working class, as set forth in the subjoined Table:—

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
30	1	30	2	60
76	2	152	4	304
18	3	54	5	90
124 Holdings.		236 Rooms.		454 Occupants.

Each block shall, on every storey, according to the number and size of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust shoots.

The buildings on the lands constituting the improvement area, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries of State.

10 *Metropolis Improvement Provisional [40 & 41 VICT.]
Orders Confirmation (Great Wild Street, &c.)*

A.D. 1877.

Streets.

As shown on the said plan so signed and deposited as aforesaid :—

The north-west end of Clerkenwell Close shall be widened to 67 feet.

A new street, No. 1, shall be formed 30 feet wide from 5 Clerkenwell Close to Robert's Court.

A new street, No. 2, shall be formed 30 feet wide from Clerkenwell Close in a south-westerly direction towards Coppice Row.

RICHD. ASSHETON CROSS. 10

Home Office, Whitehall,
17th May, 1877.

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (PEAR TREE COURT, CLERKENWELL,) IMPROVEMENT.

15

SCHEME for the Improvement of certain Lands within the Metropolis, situate in the Parish of St. James, Clerkenwell, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875.

Preliminary.

WHEREAS official representations, under the provisions of the 3rd section 20 of the Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, by J. W. Griffith, M.D., the Medical Officer of Health to the parish of Clerkenwell, with respect to certain houses, courts, and alleys situate in the said parish, and under our jurisdiction as the Local Authority within the meaning of the said Artizans and Labourers Dwel- 25 lings Improvement Act, 1875, to the effect that the said houses, courts, and alleys are unfit for human habitation, and that the evils connected with the said houses, courts, and alleys, and the sanitary defects, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the said houses, courts, and alleys : 30

And whereas we, the Metropolitan Board of Works, have taken such representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, have passed resolutions to the effect that parts of the areas referred to in such representations are un- healthy, and that an improvement scheme ought to be made in respect 35 thereof :

Now, therefore, we, the Metropolitan Board of Works, in furtherance of such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred upon us, do make the scheme following :—

40

A.D. 1877.

Improvement Area.

1. The lands delineated and coloured red and blue on the map marked A. No. 3, to this scheme annexed (on which map the lands referred to in the before-mentioned resolutions are coloured red and the neighbouring lands are coloured blue), shall constitute the improvement area to which this scheme applies.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily.

Appropriation of Lands.

3. Upon the lands constituting the said improvement area, dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations, and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this scheme annexed, and the streets and approaches shown on the plan marked B. No. 3, to this scheme annexed, shall be made, widened, and improved, as nearly as may be, in the lines as shown on the said plan, and according to the particulars set forth in the Schedule B., to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting the said improvement area, any regulation made for the purposes, and in the manner specified in the particulars set forth in the Schedule B., to this scheme annexed, shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution in accordance with, and subject to, the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order.

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis (Pear Tree Court, Clerkenwell,) Improvement Scheme, 1877."

Map marked A. No. 3, and plan marked B. No. 3, referred to in the foregoing scheme.

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 140 tenements, which shall be composed of not less than 30 tenements of one room, 90 tenements of two rooms, 20 tenements of

A.D. 1877. three or more rooms, affording accommodation for not less than 479 persons, that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 270 rooms for their accommodation, in lieu of 210 rooms now occupied by them.

Each block shall be furnished with waterclosets, sinks with water supply, 5 and dust shoots, according to the number and size of the tenements in such block.

The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according 10 to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

Streets.

The north-west end of Clerkenwell Close to be widened to 67 feet.

A new street, No. 1, to be formed, 30 feet wide, from Clerkenwell Close to 15 Robert's Court.

A new street, No. 2, to be formed, 30 feet wide, from Clerkenwell Close in a south-westerly direction towards Coppice Row, as shown upon the plan B. No. 3, hereunto annexed.

ESTIMATE required by Section 5 of the Act. 20

						£	
Cost of land, &c.	-	-	-	-	-	15,410	
Cost of roads	-	-	-	-	-	4,150	
						<hr/> 19,560	
Less recoupment	-	-	-	-	-	14,510	
						<hr/> 5,050	
Total net cost	-	-	-	-	-	<hr/> <hr/> 5,050	25

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (WHITECROSS STREET, ST. LUKE,) IMPROVEMENT.

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right 30 Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act for the improvement of certain areas situated within the parish of St. Luke, Middlesex, and subject to the jurisdiction of the said Board as the Local Authority under 35 the said Act:

And whereas a copy of the said scheme and of the estimates by which it was accompanied, is annexed to this Order : A.D. 1877.

And whereas on consideration of the said petition, and on proof of the publication of the proper advertisements, and of the service of the proper notices,
5 I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the areas to which the scheme relates for the purpose of ascertaining the correctness of the official representations made to the Metropolitan Board of Works as to the areas, and the sufficiency of the scheme provided for their improvement, and any local
10 objections to be made to such scheme :

And whereas before commencing such inquiry, the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of
15 section seventeen of the above-mentioned Act :

And whereas in the course of the inquiry the following agreement has been entered into :

ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT ACT, 1875.

Whitecross Street, St. Luke's Improvement.

20 MEMORANDUM of Terms agreed between Messrs. De La Rue and Company and the Metropolitan Board of Works, hereafter called the Board.

The Board will apply to Mr. Cubitt Nichols to report that the areas consisting of the square block at the corner of Coleman Street and Bunhill Row, and marked K upon the plan annexed, and the plot comprising George's Court, and coloured yellow
25 upon the plan annexed, may be excluded from the scheme upon the following conditions :

That the Board shall acquire under the scheme all Messrs. De La Rue's interest in the lands numbered 637-640 inclusive, the buildings to be retained in their present state and condition, and shall be at liberty to acquire all the remaining lands and hereditaments coloured red and blue upon the Map A. No. 4, annexed to the scheme
30 without incurring any obligation under section 92 of the Lands Clauses Consolidation Act, 1845, or otherwise to take any portion of the business premises belonging to Messrs. De La Rue and Co., which are not included in the scheme as deposited.

Messrs. De La Rue and Co. undertake to acquire and to appropriate to the widening
35 of Coleman Street, so much of the before-mentioned square block at the corner of Coleman Street and Bunhill Row as lies to the north of the red line upon the plan marked "B" hereunto annexed, and will throw into the public highway the portion of Chequer Alley required to widen that alley to the present width of the eastern end thereof.

40 The buildings which may be erected by Messrs. De La Rue and Co. fronting upon Coleman Street as widened may be of any height up to, but not exceeding the height of the building called the Star Works adjoining, which have been approved by the Board.

Dated this twenty-third day of April one thousand eight hundred and seventy-seven.

45

B. B. H. R.,
on behalf of the Board.
EDWARD POLLOCK,
for Messrs. De La Rue and Co.

A.D. 1877.

And whereas the following further agreement has been entered into between Messrs. De La Rue and Co. and the vestry of St. Luke's.

The above arrangement is approved on the part of the vestry, and the vestry will not dispute the right of Messrs. De La Rue to build over the whole of the courts or paved yards in the area marked K and St. George Court, coloured yellow in the said 5 plan, and the vestry will, so far as they lawfully can or may, but not further or otherwise, assign their interest in the same courts to Messrs. De La Rue, and also in the small portion of the court of Friendly Place as shall be necessary for the widening of Coleman Street.

(Signed) WM. GRANTHAM, on behalf of 10
the Vestry.

(Signed) EDWARD POLLOCK, on behalf of
Messrs. De La Rue and Co.

23rd April 1877.

And whereas the said D. Cubitt Nichols has reported to me that, regard 15 being had to the objects of the scheme, it is expedient that effect should be given to the said agreement, and that the scheme should be amended accordingly, and as so amended might properly be confirmed, subject to certain qualifications mentioned in his report:

And whereas the number of persons of the working class that will be dis- 20 placed by the scheme if carried out in accordance with this Order is estimated to be 3,631, as set forth in the following Table :

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	25
503	1	503	3·1	1,559	
345	2	690	4·4	1,502	
100	3 or more	349	5·7	570	30
948 Holdings		1,542 Rooms		3,631 Occupants	

And in addition there are registered lodging-houses with accommodation for 56 persons :

Now I, in pursuance of the powers vested in me by the said Act, hereby 35 confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. With respect to the limits of the improvement area—

The following lands and premises :

(a) The lands and premises at the south-east corner of Coleman Street, 40 being bounded on the north by Coleman Street, on the south by the Star Works, on the west by a graveyard, and on the east by Bunhill Row :

(b.) The lands and premises comprised in George's Court situate on the north side of Chequer Alley : A.D. 1877.

shall not form part of the improvement area to which the scheme as amended by this Order shall relate.

5 The following lands and premises :

(a.) The house No. 13, London Passage :

(b.) The whole of No. 107, Whitecross Street :

shall not be deemed part of the unhealthy areas in respect of which official representations were made, but shall form part of the improvement area to

10 which the Scheme, as amended by this Order, shall relate, and shall be deemed to have been included in the Scheme as neighbouring lands :

2. With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if in lieu of the plan marked B. No. 4 annexed to the said scheme, there was substituted the plan marked C. No. 4 annexed to a copy of this Order, and signed by me, and deposited at the Home Office, and as if in lieu of the Schedule B. annexed to the said scheme there was substituted the following :

15

SCHEDULE B.

The dwellings for persons of the working class to be erected on the lands constituting the improvement area shall be built in blocks distinguished by the letters A, B, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R, S, T, and U, respectively shown on the plan marked C. No. 4, so signed and deposited as aforesaid, in the situations where the said blocks are to be placed.

20

25

The blocks shall each consist of 5 storeys, each storey being not less than 8 feet high in the clear, and shall be so constructed as to provide in the aggregate accommodation for not less than 3,838 persons of the working class, as set forth in the subjoined Table :

30

35

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
350	1	350	2·25	788
600	2	1,200	4·25	2,550
100	3	300	5	500
1,050 Holdings		1,850 Rooms		3,838 Occupants

40

Each block shall, on every storey, according to the number and size of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust shoots.

A.D. 1877.

Arrangements shall also be made for providing in the improvement area, for the use of costermongers occupying rooms in the said blocks, standing room for trucks, suitable store room for goods, and stabling for horses and donkeys.

The buildings on the lands constituting the improvement area, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries of State.

10

Streets.

As shown upon the Plan C. No. 4., so signed and deposited as aforesaid—

No. 1, Coleman Street, to be widened on the south side to forty feet, and to be extended, of the same width, into Whitecross Street. 15

A new street, No. 2, to be formed forty feet wide, in continuation of No. 1, from Whitecross Street to Golden Lane.

A new street, No. 3, thirty feet wide, to be formed in continuation of Banner Street, from Whitecross Street to Reform Place, and twenty feet wide thence to Hartshorn Court. 20

A new street, No. 4, thirty feet wide, to be formed to connect Nos. 2 and 3 in the line of Little Cheapside.

A new street, No. 5, forty feet wide, to be formed from Bunhill Row to Whitecross Street in the line of Twisters Alley. 25

A new street, No. 6, thirty feet wide, to be formed from the wide part of Lamb's Buildings to Whitecross Street, in the line of Blue Anchor Alley.

A new street, No. 7, thirty feet wide, to be formed in continuation of Chequer Alley to Whitecross Street. 30

A new street, No. 8, thirty feet wide, to be formed, connecting No. 7 with Coleman Street.

A new street, No. 9, thirty feet wide, to be formed, connecting street No. 7, with street No. 5, in line of Graham Buildings.

Whitecross Street to be widened to forty feet on the east side from Bullock Alley to Foster's Buildings as shown on plan B. No. 4, hereunto annexed. 35

Chequer Alley to be widened to 18 feet, or thereabouts, for the length of George's Court.

RICHD. ASSHETON CROSS. 40

Home Office, Whitehall,
17th May 1877.

The Artizans and Labourers Dwellings Improvement Act, 1875.

A.D. 1877.

METROPOLIS (WHITECROSS STREET, ST. LUKE,) IMPROVEMENT.

5 SCHEME for the Improvement of certain Lands within the Metropolis, situate in the Parish of St. Luke, Middlesex, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875.

Preliminary.

WHEREAS official representations, under the provisions of the 3rd Section of the Artizans and Labourers Dwellings Improvement Act, 1875, were made
10 to us, the Metropolitan Board of Works, by F. W. Pavy, M.D., F.R.S., the Medical Officer of Health to the Parish of Saint Luke, Middlesex, with respect to certain areas, situate in the said parish, and under our jurisdiction, as the Local Authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to the effect that the said areas are
15 unhealthy areas, inasmuch as diseases, indicating a generally low condition of health amongst the population in the said areas, have been from time to time prevalent, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement of the courts, and the bad condition of the houses within the said areas respectively, and that the evils connected
20 with the said courts and houses, and the sanitary defects in the said areas respectively, cannot be effectually remedied otherwise than by an Improvement Scheme for the re-arrangement and re-construction of the streets and houses within the said areas respectively:

And whereas we, the Metropolitan Board of Works, have taken such
25 representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, have passed resolutions to the effect that parts of the said areas are unhealthy, and that an Improvement Scheme ought to be made in respect thereof:

Now, therefore, we, the Metropolitan Board of Works, in furtherance of
30 such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred upon us, do make the scheme following:—

Improvement Area.

1. The lands delineated and coloured red and blue on the map marked A.
35 No. 4, to this scheme annexed (on which map the lands referred to in the before-mentioned resolutions are coloured red, and the neighbouring lands are coloured blue), shall constitute the improvement area to which the scheme applies.

Acquisition of Lands.

40 2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily.

A.D. 1877.

Appropriation of Lands.

3. Upon the lands constituting the said improvement area, dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations, and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this scheme annexed, and the streets 5 and approaches shown on the plan marked B. No. 4, to this scheme annexed, shall be made, widened, and improved in the lines, as nearly as may be, as shown on the said plan, and according to the particulars set forth in the Schedule B. to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting 10 the said improvement area, any regulation made for the purposes and in the manner specified in the particulars set forth in the Schedule B., to this scheme annexed, shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution 15 in accordance with, and subject to the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order. 20

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis (Whitecross Street, St. Luke,) Improvement Scheme, 1877."

Map marked A. No. 4, and plan marked B. No. 4, referred to in the foregoing scheme. 25

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 1,050 tenements, which shall be composed of not less 30 than 350 tenements of one room, 600 tenements of two rooms, 100 tenements of three or more rooms, affording accommodation for not less than 4,010 persons, that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 1,850 rooms for their accommodation, in lieu of 1,686 rooms now occupied by them. 35

Each block shall be furnished with waterclosets, sinks with water supply, and dust shoots, according to the number and size of the tenements in such block.

The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections 40 of buildings, and new buildings upon the said lands shall be erected according

to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries. A.D. 1877.

Streets.

- 5 No. 1, Coleman Street, to be widened on the south side to 40 feet, and to be extended, of the same width, into Whitecross Street.
- A new street, No. 2, to be formed 40 feet wide, in continuation of No. 1, from Whitecross Street to Golden Lane.
- A new street, No. 3, 30 feet wide, to be formed in continuation of Banner
10 Street, from Whitecross Street to Reform Place, and 20 feet wide thence to Hartshorn Court.
- A new street, No. 4, 30 feet wide, to be formed to connect Nos. 2 and 3 in the line of Little Cheapside.
- A new street, No. 5, 40 feet wide, to be formed from Bunhill Row to White-
15 cross Street, in the line of Twister's Alley.
- A new street, No. 6, 30 feet wide, to be formed from the wide part of Lamb's Buildings to Whitecross Street, in the line of Blue Anchor Alley.
- A new street, No. 7, 30 feet wide, to be formed, in continuation of Chequer Alley to Whitecross Street.
- 20 A new street, No. 8, 30 feet wide, to be formed, connecting No. 7 with Coleman Street.
- A new street, No. 9, 30 feet wide, to be formed, connecting street No. 7 with street No. 5, in line of Graham Buildings.
- Whitecross Street to be widened to 40 feet on the east side from
25 Bullock Alley to Foster's Buildings, as shown on plan B. No. 4, hereunto annexed.
- Chequer Alley to be widened to 18 feet, or thereabouts, for the length of George's Court.

ESTIMATE required by Section 5 of the Act.

						£
30	Cost of land, &c.	-	-	-	-	251,836
	Cost of roads	-	-	-	-	23,400
						<hr/> 275,236
	Less recoupment	-	-	-	-	176,450
	Total net cost	-	-	-	-	<hr/> <hr/> 98,786

A.D. 1877.

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (HIGH STREET, ISLINGTON) IMPROVE-
MENT.

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right 5
Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries
of State, a Petition praying that an Order might be made confirming a scheme
prepared by the said Board, under the above-mentioned Act, for the improve-
ment of an area situated in the Parish of Saint Mary, Islington, and subject to
the jurisdiction of the said Board as the Local Authority under the said Act: 10

And whereas a copy of the said scheme and of the estimates by which it was
accompanied is annexed to this Order:

And whereas on consideration of the said Petition and on proof of the publi-
cation of the proper advertisements, and of the service of the proper notices, I
thought fit to proceed with the case, and directed a local inquiry to be made by 15
Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme
relates, for the purpose of ascertaining the correctness of the official representa-
tion made to the Metropolitan Board of Works as to the area, and the
sufficiency of the scheme provided for its improvement, and any local objections
to be made to such scheme: 20

And whereas before commencing such inquiry the said D. Cubitt Nichols
made public by advertisement his intention to make such inquiry, and stated
the time and place at which he would be prepared to hear all persons desirous
of being heard upon the subject thereof, in accordance with the provisions of
section seventeen of the above-mentioned Act: 25

And whereas the said D. Cubitt Nichols has reported to me in favour of the
said Scheme, subject to certain qualifications mentioned in his report:

And whereas the number of the working class that will be displaced by the
Scheme if carried out in accordance with this Order is estimated to be 515, as
set forth in the following Table: 30

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	35
77	1	77	3·1	242	
42	2	84	5·0	212	
8	3 or more.	26	7·6	61	
127 Holdings.		187 Rooms.		515 Occupants.	40

And in addition there are 5 registered lodging-houses containing 10 rooms with accommodation for 32 persons : A.D. 1877.

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, subject to the following conditions and modifications :

- 5
1. With respect to the appropriation of lands :
- (a.) Provision shall be made to maintain the right of way of the owner of the Philharmonic Theatre over Swan Yard to a side entrance of the said theatre.
- 10
- (b.) The scheme of the Metropolitan Board shall be read as if in lieu of the Plan B. No. 5 annexed to the said scheme there was substituted the Plan C. No. 5 annexed to a copy of this Order, and signed by me, and deposited in the Home Office, and as if in lieu of the Schedule B. annexed to the said scheme there was substituted the following :

15

SCHEDULE B.

The dwellings for persons of the working class to be erected on the lands constituting the improvement area shall be built in blocks distinguished by the letters A, B, C, D, and E, respectively shown on the plan marked C. No. 5 so signed and deposited as aforesaid in the situations where the said blocks are to be placed.

The blocks A and B shall consist of five storeys, and the blocks C, D, and E of four storeys. Each storey shall be not less than eight feet in height in the clear.

The blocks in the said area shall be so constructed as to provide in the aggregate for not less than 556 persons of the working class, as set forth in the subjoined table :

30

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
34	1	34	2·5	85
95	2	190	4·5	427
8	3	24	5·5	44
137 Holdings.		248 Rooms.		556 Occupants.

35

Each block shall on every storey, according to the number and size of the buildings therein, be furnished with water-closets, sinks with water supply, and dust shoots.

The buildings on the lands constituting the improvement area, when the same shall have been acquired, shall be taken down and removed

*Metropolis Improvement Provisional [40 & 41 VICT.]
Orders Confirmation (Great Wild Street, &c.)*

A.D. 1877.

in sections of buildings, and new buildings on the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries of State.

Streets.

5

As shown on the plan so signed and deposited :

Black Horse Yard shall be widened to 35 feet.

RICHD. ASSHETON CROSS.

Home Office, Whitehall,
17th May 1877.

10

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (HIGH STREET, ISLINGTON,) IMPROVEMENT.

SCHEME for the improvement of certain lands within the Metropolis, situate in the Parish of St. Mary, Islington, in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875. 15

Preliminary.

WHEREAS official representations under the provisions of the 3rd section of the Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, by C. Meymott Tidy, M.B., the Medical Officer of Health to the Parish of St. Mary, Islington, with respect to certain houses situate in courts, alleys, and places, and within certain areas situate in the said parish, and under our jurisdiction as the Local Authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to the effect that the said houses are unfit for human habitation, and the said areas are unhealthy areas, and that the evils connected with the said houses, and the sanitary defects in the said areas respectively, cannot be effectually remedied otherwise than by an Improvement Scheme for the re-arrangement and re-construction of the streets and houses within the said areas respectively : 20 25 30

And whereas we, the Metropolitan Board of Works, have taken such representations respectively into our consideration, and being satisfied of the truth thereof, and of the sufficiency of our resources, have passed resolutions to the effect that parts of the said areas are unhealthy, and that an Improvement Scheme ought to be made in respect thereof : 35

Now, therefore we, the Metropolitan Board of Works, in furtherance of such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act conferred upon us, do make the scheme following,—

Improvement Area.

A.D. 1877.

1. The lands delineated and coloured red and blue on the map marked A. No. 5, to this scheme annexed (on which map the lands referred to in the before-mentioned resolutions are coloured red, and the neighbouring lands are coloured blue), shall constitute the improvement area to which this scheme applies.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily.

Appropriation of Lands.

3. Upon the lands constituting the said improvement area dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations and to have the sanitary arrangements specified in the particulars set forth in the Schedule B. to this scheme annexed, and the streets and approaches shown on the plan marked B. No. 5, to this scheme annexed, shall be made, widened, and improved, in the lines as nearly as may be as shown on the said plan, and according to the particulars set forth in the Schedule B. to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting the said improvement area, any regulation made for the purposes and in the manner specified in the particulars set forth in the Schedule B. to this scheme annexed shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution in accordance with, and subject to, the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order.

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis (High Street, Islington,) Improvement Scheme, 1877."

Map marked A. No. 5, and plan marked B. No. 5, referred to in the foregoing scheme.

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in the aggregate not less than 133 tenements, which shall be composed of not less than

A.D. 1877.

34 tenements of one room, 90 tenements of two rooms, 9 tenements of three or more rooms, affording accommodation for not less than 547 persons, that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 241 rooms for their accommodation, in lieu of 197 rooms now occupied by them.

5

Each block shall be furnished with waterclosets, sinks with water supply, and dust shoots, according to the number and size of the tenements in such block.

The buildings upon the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of 10 buildings, and new buildings upon the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

Streets.

15

Shown on Plan B. No. 5.

Black Horse Yard to be widened to 35 feet.

ESTIMATE required by section 5 of the Act.

									£
Cost of land, &c.	-	-	-	-	-	-	-	-	20,865
Cost of roads	-	-	-	-	-	-	-	-	1,400
									22,265
Less recoupment	-	-	-	-	-	-	-	-	14,305
Total net cost	-	-	-	-	-	-	-	-	7,960

The Artizans and Labourers Dwellings Improvement Act, 1875.

METROPOLIS (OLD PYE STREET, WESTMINSTER,)

IMPROVEMENT.

25

PROVISIONAL ORDER.

WHEREAS the Metropolitan Board of Works presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a 30 scheme prepared by the said Board, under the above-mentioned Act, for the improvement of an area situated within the Westminster District, and subject to the jurisdiction of the said Board as the Local Authority under the said Act :

And whereas a copy of the said scheme and of the estimates by which it was 35 accompanied is annexed to this Order :

A.D. 1877.

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. D. Cubitt Nichols in or in the vicinity of the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made to the Metropolitan Board of Works as to the area, and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

And whereas before commencing such inquiry the said D. Cubitt Nichols made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of section seventeen of the above-mentioned Act :

And whereas the said D. Cubitt Nichols has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report :

And whereas the number of persons of the working class that will be displaced by the scheme if carried out in accordance with this Order is estimated to be 874, as set forth in the following Table :

	Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.
20					
	316	1	316	2·57	812
25	12	2	24	2·84	34
	6	3	24	4·66	28
		or more			
	334 Holdings		364 Rooms		874 Occupants

And in addition there are 18 registered lodging-houses with 115 rooms, providing accommodation for 459 persons :

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. With respect to the limits of the improvement area—

The following lands and premises :

(a.) The lands and premises Nos. 7, 8, 9, 10, 11, 12, 13, and 14, Union Court ;

(b.) The lands and premises marked 86* and 87* on the map A. No. 9 annexed to the said scheme (excepting so much of the same as are coloured green on plan C.C. No. 9 annexed to a copy of this Order, and signed by me, and deposited at the Home Office) ;

(c.) The lands and premises on the north side of Old Pye Street marked 1* on the said map A. No. 9,

shall not form part of the improvement area to which the scheme as amended by this Order shall relate.

A.D. 1877.

2. With respect to the appropriation of lands—the scheme of the Metropolitan Board shall be read as if, in lieu of the plan marked B. No. 9 annexed to the said scheme, there was substituted the aforesaid plan marked C.C. No. 9, and as if in lieu of the Schedule B. annexed to the said scheme there was substituted the following :

5

SCHEDULE B.

The dwellings for persons of the working class to be erected on the lands constituting the improvement area shall be built in blocks distinguished by the letters A, B, C, D, E, F, and G, respectively shown on the plan marked C.C. No. 9, so signed and deposited 10 as aforesaid, in the situations where the said blocks are to be placed.

The blocks A and B shall be constructed so as to serve for registered lodging-houses, and to be capable of accommodating in the aggregate 480 persons, and shall each consist of 4 storeys, each storey 15 being at least 9 feet in the clear.

The remaining blocks shall each consist of 4 storeys, except the block G, which shall consist of 5 storeys. Each storey shall be not less than 8 feet in the clear, and the said blocks shall be so constructed as to provide in the aggregate accommodation for not 20 less than 876 persons of the working class, as set forth in the subjoined Table :—

Number of Holdings.	Number of Rooms in each Holding.	Total Number of Rooms.	Average Number of Occupants in each Holding.	Total Number of Occupants.	25
100	1	100	2	200	
159	2	318	4	636	
8	3	24	5	40	30
267 Holdings		442 Rooms		876 Occupants	

Each block shall, on every storey, according to the number and size of the buildings therein, be furnished with waterclosets, sinks with water supply, and dust shoots.

35

The buildings on the lands constituting the improvement area, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be erected, according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, 40 with the approval of one of Her Majesty's Principal Secretaries of State.

Streets.

A.D. 1877.

As shown on the said plan so signed and deposited as aforesaid, the following streets shall be widened:—

- 5 Part of Orchard Street shall be widened to forty feet.
 Old Pye Street shall be widened to thirty feet between New Pye Street and St. Ann's Street.
 St. Ann's Street shall be widened to forty feet between Orchard Street and Old Pye Street.
 New Pye Street shall be widened to thirty feet.
 10 Perkins' Rents shall be widened to thirty feet from the rear of houses in Great Peter Street to Old Pye Street.

RICHD. ASSHETON CROSS.

Home Office, Whitehall,
 17th May 1877.

15 *The Artizans and Labourers Dwellings Improvement Act, 1875.*

METROPOLIS (OLD PYE STREET, WESTMINSTER,) IMPROVEMENT.

- SCHEME for the improvement of certain lands within the Metropolis, situate within the district of the Westminster Board of Works, in pursuance of
 20 the Artizans and Labourers Dwellings Improvement Act, 1875.

Preliminary.

- WHEREAS official representations under the provisions of the 3rd section of the Artizans and Labourers Dwellings Improvement Act, 1875, were made to us, the Metropolitan Board of Works, by Barnard Holt, the Medical Officer of
 25 Health to the Board of Works for the Westminster District, with respect to certain areas situate within the said district and under our jurisdiction as the Local Authority within the meaning of the said Artizans and Labourers Dwellings Improvement Act, 1875, to the effect that the said areas are unhealthy areas, and that the houses within the same are unfit for human habitation,
 30 inasmuch as diseases, indicating a generally low condition of health amongst the population in the said areas have been from time to time prevalent, and that such prevalence may reasonably be attributed to the closeness and bad ventilation and condition of the houses within the said areas respectively, and that the evils connected with the said houses, and the sanitary defects in the said
 35 areas respectively, cannot be effectually remedied otherwise than by an Improvement Scheme for the re-arrangement and re-construction of the houses within the said areas respectively:

- And whereas we, the Metropolitan Board of Works, have taken such representations into our consideration, and being satisfied of the truth thereof,
 40 and of the sufficiency of our resources, have passed resolutions to the effect

A.D. 1877.

that parts of the said area are unhealthy, and that an Improvement Scheme ought to be made in respect thereof:

Now, therefore, we, the Metropolitan Board of Works, in furtherance of such resolutions, and in pursuance of the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and the powers by the said Act 5 conferred upon us, do make the scheme following:—

Improvement Area.

1. The lands delineated and coloured red and blue on the map marked A. No. 9, to this scheme annexed (on which map the lands referred to in the before-mentioned resolutions are coloured red, and the neighbouring lands are 10 coloured blue) shall constitute the improvement area to which this scheme applies.

Acquisition of Lands.

2. The lands constituting the said improvement area, or any of them, may, for the purposes of this scheme, be taken compulsorily. 15

Appropriation of Lands.

3. Upon the lands constituting the said improvement area dwellings for the working classes shall be erected, which shall be so constructed as to afford the accommodations, and to have the sanitary arrangements specified in the particulars set forth in the Schedule B, to this scheme annexed, and the streets 20 and approaches shown on the plan marked B. No. 9 to this Scheme annexed shall be made, widened, and improved, as nearly as may be in the lines as shown on the said plan, and according to the particulars set forth in the Schedule B, to this scheme annexed.

4. In the appropriation to the aforesaid purposes of the lands constituting 25 the said improvement area, any regulation made for the purposes and in the manner specified in the particulars set forth in the Schedule B, to this scheme annexed, shall be duly observed.

Execution of Scheme.

5. The Metropolitan Board of Works shall carry this scheme into execution 30 in accordance with and subject to the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, and subject to such conditions and modifications as may be prescribed and made under the authority of the said Act, the Provisional Order authorising the execution of this scheme, or the Act confirming such Provisional Order. 35

Short Title.

6. This scheme may be cited for all purposes as "The Metropolis (Old Pye Street, Westminster,) Improvement Scheme, 1877."

Map marked A. No. 9, and plan marked B. No. 9, referred to in the foregoing Scheme.

SCHEDULE B.

PARTICULARS referred to in the foregoing SCHEME.

The dwellings to be erected upon the lands constituting the improvement area shall be built in blocks, which shall be so constructed as to contain in
5 the aggregate not less than 500 tenements, which shall be composed of not less than 250 tenements of one room, 250 tenements of two rooms, affording accommodation for not less than 1,380 persons, that is, the number of persons of the artizan class which will be displaced by the execution of the scheme, and providing 750 rooms for their accommodation, in lieu of 510 rooms now
10 occupied by them.

Each block shall be furnished with waterclosets, sinks with water supply, and dust shoots, according to the number and size of the tenements in such block.

The buildings upon the lands constituting the improvement areas, when
15 the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings upon the said lands shall be erected according to regulations to be from time to time made in that behalf by the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries.

20

Streets.

Shown on the Plan B. No. 9.

Part of Orchard Street to be widened to 40 feet.

Old Pye Street to be widened to 30 feet between New Pye Street and St. Ann's Street.

25 St. Ann's Street to be widened to 40 feet between Orchard Street and Old Pye Street.

New Pye Street to be widened to 30 feet.

ESTIMATE required by Section 5 of the Act.

					£
	Cost of land, &c.	-	-	-	59,070
30	Cost of roads	-	-	-	5,830
					<hr/>
					64,900
	Less recoupment	-	-	-	59,070
					<hr/>
	Total net cost	-	-	-	5,830
					<hr/>

Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) [H.L.]

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.

(*Brought from the Lords 5 July 1877.*)

Ordered, by The House of Commons, to be Printed, 5 July 1877.

[Bill 237.]
Under 4 oz.

Metropolis Toll Bridges Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation of terms.
3. Act to be carried into effect by Metropolitan Board.
4. Power to Board to appoint a committee.
5. The Board may purchase undertakings of companies.
6. Terms of purchase of undertakings of companies.
7. As to consideration in case of the company in Part II. of schedule.
8. Payment of consideration for purchase of undertakings included in Part I. of schedule.
9. Payment of consideration for purchase of undertakings included in Part II. of schedule.
10. Companies books evidence.
11. Transfer of undertaking.
12. Effect of transfer.
13. Actions and proceedings not to abate.
14. Company to continue liable for debts, &c. unpaid.
15. As to property of company not being part of undertaking as defined by this Act.
16. Power to sell surplus lands, and application of moneys arising therefrom.
17. Special provisions as to Deptford Creek Bridge.
18. Board of Works for district of Greenwich to have control of Deptford Drawbridge, and power to Board to contribute towards expenses.
19. Dissolution of certain companies.
20. Power to borrow.
21. Justices of the peace of Middlesex and Surrey to contribute towards maintenance of bridges.
22. Power of Board to defray certain expenses.

[Bill 18.]

A

Clauses.

23. Moneys required from vestries and district boards to be raised as a general rate.
24. Saving rights of London Gaslight Company.
25. Saving for Conservators of River Thames.
26. Expenses of Act.

SCHEDULE.

A

B I L L

TO

Provide for throwing open for the free use of the Public A.D. 1877.
certain Toll Bridges within the Metropolis.

WHEREAS it is expedient that the several toll bridges set forth in the schedule to this Act annexed, which are situate within the metropolis, should be thrown open free from toll for the use of the public, and with that view that the powers in this Act contained should be conferred on the Metropolitan Board of Works, and that the other provisions in this Act contained in relation thereto should be made:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Metropolis Toll Bridges Act, 1877." Short title.

2. In the construction of this Act, the following terms shall have the meanings herein-after assigned them. Interpretation of terms.

"The Board" shall mean the Metropolitan Board of Works.

The term "bridge" shall include any of the bridges mentioned in the first column of the schedule to this Act annexed, and all buildings and works in, under, upon, or forming part of the same.

The term "company" used in relation to any bridge shall mean the company or body specified in the second column of Part I. or Part II. of the schedule to this Act annexed, opposite to the name of such bridge.

The term "special Act" with respect to a company shall mean and include any and every Act of Parliament relating to such company.

[Bill 18.]

A 2

A.D. 1877. The term "undertaking" shall mean,—

With respect to any company specified in Part I. of the schedule to this Act annexed, the bridge of such company and the approach roads to and toll-houses on or near the same, and all lands and works necessarily occupied or used for the purposes 5 of the same, and all the estate, right, title, and interest of such company in or to the same, and all rights, powers, and authorities and privileges of such company in relation thereto, under their special Act or otherwise; and

With respect to the company specified in Part II. of the schedule 10 to this Act annexed, all rights of way or passage over the bridge of such company, and all powers, authorities, and privileges enjoyed or exerciseable by such company with respect to such rights of way or passage, and all rights, powers, authorities, and privileges enjoyed or exerciseable by such 15 company with respect to tolls and charges arising from or in connexion with such rights of way or passage over such bridge, and all the estate, right, title, and interest of such company in or to such rights of way or passage, tolls, and charges, under their special Act or otherwise. 20

Act to be carried into effect by Metropolitan Board.

3. This Act shall be carried into effect by the Board.

Power to Board to appoint a committee.

4. The Board may from time to time appoint a committee to manage and transact all or any of the matters or purposes which the Board are by this Act empowered to do or perform, which committee shall have so much or so many of the powers by this 25 Act conferred on the Board as from time to time the Board see fit to delegate to them.

The Board may purchase undertakings of companies.

5. The Board shall, within *two years* after the passing of this Act, by notice in writing, require each and every company specified in the schedule to this Act annexed to sell, and every such company 30 shall when so required sell their undertaking to the Board in the manner and subject to the terms and conditions by this Act prescribed.

Terms of purchase of undertakings of companies.

6. The consideration to be paid by the Board for the purchase of the undertaking of any company shall be such as may be settled 35 by agreement between the Board and such company, or failing such agreement as may be settled in manner provided by the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the purchase and taking of lands otherwise than by agreement, and for such purpose the said provisions 40 shall be incorporated with this Act; and in the construction of the same, the terms "the promoters of the undertaking" and "lands"

used therein, shall be construed to mean the Board and the undertaking respectively : A.D. 1877.

Provided that in estimating the consideration payable in respect of the undertaking of any company, due regard shall be had to the
 5 net annual value of the tolls payable and revenue arising in respect of the undertaking of such company prior to the *first day of July one thousand eight hundred and seventy-six*, the construction, durability, and present state of repair of such bridge, the liability of such company to maintain the same, the probabilities of future
 10 profits out of and future expenditure in relation to the same, and the special circumstances (if any) affecting the case.

7. The amount of the consideration, when agreed upon or ascertained in manner aforesaid in respect of all or any of the undertakings of the company specified in Part II. of the schedule to
 15 this Act annexed, shall, in case the Board shall by writing under their seal so require, be made payable by means of an annual rentcharge to be calculated in manner by this Act prescribed, and any such consideration, whether payable in one sum or by any such rentcharge, shall be paid or payable to such company upon
 20 the conditions following, in this Act referred to as "the conditions of purchase;" (that is to say,)

Such company shall maintain and keep their bridge in substantial repair, suitable and open to the public for the traffic upon the same authorised by the special Act, which conditions such company
 25 shall and they are hereby required to fulfil.

In case any difference shall arise between such company and the Board as to whether or not such company, after payment of any such consideration in one sum or while any such rentcharge shall be payable, shall from time to time have fulfilled all the conditions
 30 of purchase, such difference shall be decided by an arbitrator to be appointed by the Board of Trade on the application of such company or of the Board, whose decision as to such difference and as to the payment of the costs incurred in the proceedings before him shall be final and binding upon such company and the Board.

35 Every such rentcharge payable to such company shall be calculated at such rate per annum, in respect of every one hundred pounds or any fractional part thereof forming part of the consideration so agreed or ascertained as aforesaid to be payable to such company, as may be agreed upon between such company and
 40 the Board, or as may be settled when the amount of such consideration shall be determined, and the same shall be paid by equal half-yearly payments in each and every year on such days respec-

As to consideration in case of the company in Part II. of schedule.

A.D. 1877. tively as may be fixed when the amount of such rentcharge shall be determined.

Payment of consideration for purchase of undertakings included in Part I. of schedule.

8. The amount of the consideration to be paid by the Board for the purchase of the undertaking of any company included in Part I. of the schedule to this Act annexed, when agreed upon or so ascertained as aforesaid, shall be paid, in the case of the undertaking of the Chelsea Suspension Bridge, to Her Majesty's Paymaster-General, and in every other case into the Bank of England in the name and with the privity of Her Majesty's Paymaster-General, and shall be placed to his account there to the credit of such company, subject to the provisions of this Act, and shall be assets of such company; and upon such payment the said Paymaster-General and the cashier of the said bank shall respectively give to the Board, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid, and such receipt shall be a sufficient discharge for the payment of the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

In case such company shall, before the expiration of *one month* after the payment into the said bank, have passed a special resolution requiring such company to be wound up voluntarily or by the Chancery Division of the High Court of Justice, then such company shall be wound up voluntarily or by the said court in accordance with such resolution; and in case any such company shall not within such time have passed any such resolution, then the said court may, upon petition presented within the period of one month after the expiration of such time by any creditor or creditors, contributory or contributories, of such company, or by all or any of the above parties together or separately, order such company to be wound up in case the said court shall be of opinion that it is just and equitable that such company should be wound up.

Provided always, that in case a special resolution shall have been passed by any such company to wind up voluntarily, the court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the said court, and with such liberty for creditors, contributories, or others to apply to the said court, and generally upon such terms and subject to such conditions as the said court thinks just.

In case any such company shall be wound up in manner aforesaid, the following provisions of the Companies Act, 1862, that is to say, Part IV., with respect to the winding-up of companies and associations under the said Act, and Part VIII., application of Act

A.D. 1877.

to unregistered companies (except sub-section two of section one hundred and ninety-nine), shall extend and apply to the winding-up of such company voluntarily, or voluntarily subject to the supervision of the said court, or by the said court, as the case may be, and, 5 subject to the provisions of this Act, such winding-up of such company shall in every respect be a winding-up of a company within the meaning and subject to the provisions of the Companies Act, 1862.

In case such company shall be wound up in manner aforesaid, the moneys forming the assets of such company in the Bank of 10 England shall be paid out to the order of the liquidator or liquidators, or official liquidator or official liquidators, and shall be by them distributed according to the said provisions of the Companies Act, 1862.

In case such company shall not be wound up as aforesaid, 15 the moneys forming the assets of such company in the Bank of England shall be paid to such person or persons on behalf of such company as such company may by a special resolution appoint, and such assets shall be held by such company upon trust to pay and satisfy all debts and liabilities of such company according to 20 their respective priorities, and to distribute the balance remaining after such payment and satisfaction among the holders of the share capital of the company, their executors, administrators, successors, or assigns, rateably according to their respective priorities, and the directors of such company may exercise all 25 powers necessary for distributing such moneys as aforesaid, and for winding-up the affairs of such company, or for continuing any part of their business which they may be capable of continuing, according as such company shall by special resolution determine that their affairs should be wound up or that such part of their 30 business should be carried on.

Provided always, that where the directors of such company are for *twelve months* after the payment to the company of such assets unable after diligent inquiry to ascertain the person to whom any part of such assets is payable, or where any part thereof is 35 payable to a person who or whose committee cannot give an effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

The term "special resolution" shall in this Act have the same 40 meaning as the same term in "The Companies Act, 1862."

9. The amount of the consideration to be paid by the Board for the purchase of the undertakings of the company specified in Part II. of the schedule to this Act annexed, and any rentcharge

Payment of consideration for purchase of undertakings in-

A.D. 1877.

cluded in
Part II. of
schedule.

payable in respect of such consideration when agreed upon or so ascertained as aforesaid, shall be paid to the directors of such company, or to any five of such directors, upon their receipt, except where such directors shall refuse to accept the same, or where the conditions of purchase have not been complied with, and in such case 5 the same shall be paid into the Bank of England in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice, and shall be placed to his account there to the credit of such company, subject to the control and disposition of the said court; and upon such 10 payment or deposit being made the said directors or the cashier of the said bank shall give to the Board, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid, and such receipt shall be a sufficient discharge to the Board 15 for the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Where under the authority of this Act any moneys have been deposited by the Board in the Bank of England in manner afore- 20 said, the Chancery Division of the High Court of Justice may, upon the application of any party making claim thereto in a summary way as to such court shall seem fit, order such moneys to be laid out or invested in the public funds, or may order distribution thereof or payment of the dividends thereof according to 25 the respective estates, titles, or interests of the parties making claims to the same or any part thereof, and may make such other order in the premises as to such court shall seem fit; and for the purposes aforesaid the said court may exercise all powers necessary for distributing such moneys and paying such dividends; and the 30 said court shall apportion amongst the several persons entitled thereto such moneys or any part thereof, or the dividends thereof, or amongst such of the said persons as to such court shall seem fit, and shall order payment by such persons of the costs of any investment of such moneys in manner aforesaid, and of the transfer, 35 alteration, or sale of any such investment, and of the distribution of any such moneys, and also the costs of any proceedings or orders in or by the said court for all or any of the purposes aforesaid, or incidental thereto or consequent thereupon: Provided always, that no order shall be made for the payment out of court of any moneys 40 or of any dividends or interest in respect of moneys so paid into the Bank of England in respect of the undertakings of the company specified in the second column of Part II. of the schedule to this

A.D. 1877.

Act annexed by reason of the neglect of such company to make good any default in compliance with the conditions of purchase, until proof shall be given that such default has been made good, and the said court, if it shall seem fit, may make an order to enforce compliance with such conditions of purchase, and may order the payment of the costs of any proceedings in respect thereof out of the moneys so paid into the Bank of England as aforesaid, or which may thereafter become payable by the Board on account of any rent-charge, or in any other manner, as to such court shall seem proper.

10 10. For the purposes of the distribution of the assets of any company the persons who appear in the books of such company to be proprietors of capital, or of annuities, mortgages, or debentures of such company, shall, unless the contrary is proved to the satisfaction of the court or persons authorised to distribute the same, be
15 considered to be proprietors of capital, or of annuities, mortgages, or debentures of such company.

Companies
books evi-
dence.

11. When the receipt for the amount of the consideration or for the amount payable as a first payment of any such rentcharge as aforesaid on account of the consideration agreed upon or so ascer-
20 tained as aforesaid to be paid for the purchase of the undertaking of any company has been signed, in the case of the undertaking of the Chelsea Suspension Bridge by Her Majesty's Paymaster-General, and in any other case by the cashier of the Bank of England, or by the directors of such company, or by any five of such directors in
25 manner directed by this Act, then such undertaking shall, by virtue thereof and of this Act, be transferred to and vested in the Board, and they shall be entitled to immediate possession, and they shall have absolute control of such undertaking freed and discharged from all debts, charges, and liabilities of the company affecting the
30 same, and thereupon all duties, obligations, and liabilities of the company in respect of the same shall, save as by this Act expressly provided, absolutely cease and determine.

Transfer of
undertaking.

12. After the Board has acquired absolute control of any undertaking, the tolls and charges arising from or in connection
35 with the bridges comprised in such undertakings respectively shall cease to be levied thereon and the said bridges shall be open free to the public, and such of the said bridges as are specified in Part I. of the schedule to this Act annexed, and the roads over the same, shall be maintained and repaired by the Board, and the said bridges
40 shall not be or become county bridges, but the approach roads thereto shall be public highways maintainable and repairable as

Effect of
transfer.

A.D. 1877. — other highways in the parish or district in which the same shall be situate respectively.

Actions and proceedings not to abate.

13. If at the time of the transfer of the undertaking of any such company any action, suit, proceeding, or any cause of action is pending or existing against such company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer; and such action, suit, proceeding, or cause of action may, notwithstanding such transfer, be continued, prosecuted, and enforced against such company. 5

Company to continue liable for debts, &c. unpaid.

14. If at any time after the transfer of the undertaking of any company any claim is lawfully made for any debt or sum of money which at the time of the transfer is due or owing from such company for, on account, or in respect of such undertaking, and is not paid or discharged by them, the company shall, notwithstanding such transfer, be liable to satisfy such claim out of any assets of the company. 10 15

As to property of company not being part of undertaking as defined by this Act.

15. In case any company included in Part I. of the schedule to this Act annexed (except the Commissioners of Her Majesty's Works and Public Buildings) shall have, hold, possess, or enjoy any lands, works, or other property whatsoever, whether real or personal, or any rights, easements, powers, privileges, or authorities whatsoever which are not included in the undertaking of such company as defined by this Act, such company may sell the same or any of the same to any company, corporation, or person, upon such terms and subject to such conditions as may be agreed upon, or they may by notice in writing require the Board to purchase the same; and the Board in case they shall be so required, and if such notice shall have been served upon the clerk to the Board within one month after such company was required by the Board, under the authority of this Act, to sell their undertaking, shall purchase the same, upon such terms and conditions as may be agreed upon between the Board and such company, or failing such agreement, as may be settled by arbitration in manner provided by the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation required to be settled by arbitration; and for such purpose the said provisions shall be incorporated with this Act, and in the construction of the same the term "the promoters of the undertaking" used therein shall be construed to mean the Board; and in case such company shall not sell the same in manner aforesaid, they may continue to have, hold, possess, and enjoy the same. 20 25 30 35 40

A.D. 1877.

All moneys payable to such company by way of purchase-money or by way of rent or other consideration in respect of any such lands, works, or other property, rights, easements, powers, or privileges shall be paid into the Bank of England, in the name and with the privity of Her Majesty's Paymaster-General, and shall be placed to his account there, to the credit of such company, and shall be assets of such company, subject to all the provisions of this Act applicable to such assets, and the payment and application and distribution of the same.

10 16. The Board may from time to time sell and dispose of any of the lands, works, or other property purchased by them under this Act and not required by them for the purposes of this Act, and all moneys arising from any such sale or disposition shall be applied by the Board for and towards the carrying the purposes of this Act into execution.

Power to sell surplus lands, and application of moneys arising therefrom.

15 17. Whereas under the provisions of a local and personal Act passed in the first year of the reign of Her present Majesty, that is to say, the Act first Victoria, chapter one hundred and twenty (in this Act referred to as "the Act of 1837"), the London and Greenwich Railway Company are required to pay by way of compensation, recompense, or allowance to the Deptford Creek Bridge Company in every year the difference (if any) between the moneys received in such year by the said Deptford Creek Bridge Company by way of rent for the tolls taken in respect of such bridge, and a sum of two thousand three hundred and twenty-five pounds.

Special provisions as to Deptford Creek Bridge.

20 And whereas it is expedient that from and after the transfer to the Board of the undertaking of the Deptford Creek Bridge Company, provision should be made for the payment to the Board of so much on account of such compensation, recompense, or allowance as shall be just, and as but for the passing of this Act would continue to be paid to the Deptford Creek Bridge Company by the London and Greenwich Railway Company; therefore

35 In estimating the consideration to be paid for the undertaking of the Deptford Creek Bridge Company, when the net value of the tolls and revenue of the said Company shall be ascertained in manner by this Act prescribed, due regard shall be had to the possible determination of the liability of the London and Greenwich Railway Company, their lessees and assigns, under section nine of the Act of 1837, to the payments therein prescribed in respect of such tolls and revenue.

40 The London and Greenwich Railway Company, their lessees and assigns, shall, from and after the transfer of the Deptford Creek

A.D. 1877. Bridge to the Board, from time to time pay to the Board the difference between the net annual value of the tolls payable in respect of the said bridge, ascertained in manner by this Act prescribed, and the sum of two thousand three hundred and twenty-five pounds mentioned in the said ninth section of the Act 5 of 1837, such payments to be made at the times and in the manner provided by the same section: Provided always, that the Board and the London and Greenwich Railway Company, and their lessees and assigns, may at any time contract and agree for the payment by the London and Greenwich Railway Company, their 10 lessees or assigns, of a capital sum in lieu of the before-mentioned annual payments.

The properties by the tenth section of the Act of 1837 charged with the payment to the Deptford Creek Bridge Company of compensation, recompense, or allowance shall continue to be charged 15 with the payment of the moneys by this Act made payable to the Board on account of such compensation, recompense, or allowance by the London and Greenwich Railway Company, in like manner in every respect as if the same had by the said Act been made payable to the Board instead of to the Deptford Creek Bridge 20 Company, and all the powers and remedies by the said tenth section provided for the recovery by the said Deptford Creek Bridge Company of compensation, recompense, or allowance which might from time to time become due and be unpaid by the said London and Greenwich Railway Company shall enure to the benefit of and 25 may be exercised by the Board in like manner in every respect as if the Board were in the said section substituted for the Deptford Creek Bridge Company.

In all proceedings relating to the consideration to be paid to the Deptford Creek Bridge Company under this Act the South-eastern 30 Railway Company shall be entitled to appear and to be heard, and all costs and expenses of and incident to their appearance shall be deemed to be costs of such proceedings.

Board of Works for district of Greenwich to have control of Deptford Drawbridge, and power to Board to contribute towards expenses.

18. From and after the transfer of the undertaking of the Deptford Creek Bridge Company all the powers, duties, and obligations 35 of the said company under their special Act with respect to the opening or removing of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships and other vessels through the same shall be transferred to and shall be exercised and performed by and be binding upon the Board of 40 Works for the district of Greenwich, and the Board may contribute towards the expenses incurred by the Board of Works for the district of Greenwich under this section such sums as they may

from time to time think fit, and such contributions may be by annual or other periodical payments, and may be made subject to such terms and conditions as the Board may from time to time think fit to prescribe. A.D. 1877.

5 **19.** Any company whose undertaking has been transferred to the Board under this Act, and whose affairs have been wound up in manner by this Act directed, shall thereupon be and they are hereby dissolved. Dissolution
of certain
companies.

10 **20.** The Board may borrow such money, not exceeding in the whole *one million five hundred thousand pounds*, as they from time to time require for the purposes of this Act; and all the provisions of "The Metropolitan Board of Works (Loans) Acts, 1869 to 1871," except the limitation of the amount in section 38 of the first of those Acts, shall, subject to the provisions of this Act, extend and
15 apply to such borrowing and the repayment of the moneys so borrowed. Power to
borrow.

20 **21.** The justices of the peace of the county of Middlesex and the justices of the peace of the county of Surrey shall each pay to the Board the sum of *twelve hundred pounds* annually, by quarterly instalments, in perpetuity out of the rates of those counties respectively, the first quarterly payment to be made at the expiration of three months from the date of the free opening of the bridges specified in Part I. of the schedule to this Act annexed; and such sums respectively shall be in full discharge in perpetuity as aforesaid
25 any liability of the inhabitants of those counties respectively to maintain, repair, or reconstruct any of such bridges situate wholly or partially within such counties respectively. Justices of
the peace of
Middlesex
and Surrey
to contribute
towards
maintenance
of bridges.

30 **22.** The Board may from time to time defray the expenses incurred by them in the execution of this Act and not by this Act otherwise provided for, in like manner in every respect, save as herein-after expressly provided, as if such expenses were expenses incurred by the Board in carrying into execution the purposes of "The Metropolis Management Act, 1855," and the Acts amending the same. Power of
Board to
defray cer-
tain ex-
penses.

35 **23.** All sums which from time to time the Board may require for the purpose of carrying to the Consolidated Loans Fund such sums as may be approved by the Treasury as necessary to be so carried in respect of moneys borrowed under the authority of this Act, and all sums which from time to time the Board may require
40 to defray any such expenses as aforesaid and which any vestry or district board may by precept be required to pay to the Board in Moneys
required
from vestries
and district
boards to be
raised as a
general rate.

A.D. 1877. ——— pursuance of the provisions of this Act, shall in such precept be termed “bridge expenses,” and shall be paid by such vestry and district board respectively, and shall be raised in like manner as if the same were required by the said vestry or district board for defraying such of the expenses of such vestry or district board as 5 are chargeable upon their general rate.

Saving rights
of London
Gaslight
Company.

24. Nothing in this Act contained shall prejudice, affect, or alter any right, privilege, or power vested in or enjoyed or exerciseable by the London Gaslight Company in respect of any main or pipe laid under, over, or along any bridge or the approaches thereto. 10

Saving for
Conservators
of River
Thames.

25. No transfer of any undertaking under the authority of the Act, and nothing in this Act contained, shall alter, vary, or affect any estate, right, title, or interest of the Conservators of the River Thames.

Expenses of
Act.

26. The costs, charges, and expenses of preparing, applying for, 15 obtaining, and passing of this Act, and preliminary and incidental thereto, shall be paid by the Board.

The SCHEDULE to which this Act refers.

PART I.

	First Column.	Second Column.
5	1. Hammersmith Suspension Bridge.	Hammersmith Bridge Company.
	2. Fulham (otherwise Putney) Bridge.	Fulham Bridge Company.
	3. Wandsworth Bridge -	Wandsworth Bridge Company.
	4. Battersea Bridge } -	Albert Bridge Company.
10	5. Albert Bridge - }	
	6. Vauxhall Bridge -	Vauxhall Bridge Company.
	7. Lambeth Bridge -	Lambeth Bridge Company.
	8. Waterloo Bridge -	Waterloo Bridge Company.
	9. Deptford Creek Bridge -	Deptford Creek Bridge Company.
15	10. Chelsea Suspension Bridge -	The Commissioners of Her Majesty's Works and Public Buildings.

PART II.

20	11. Footbridge at Charing Cross Railway Station. }	South-eastern Railway Company.
	12. Footbridge at Cannon Street Railway Station. }	

Metropolis Toll Bridges.

A

B I L L

To provide for throwing open for the free use of the Public certain Toll Bridges within the Metropolis.

(*Prepared and brought in by
Sir James Hogg, Lord C. J. Hamilton, Sir Charles
Russell, Sir Henry Peck, Sir Trevor Lawrence,
Mr. Alderman McArthur, and Mr. Forsyth.*)

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 18.]

Under 2 oz.

Metropolis Toll Bridges Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation of terms.
3. Act to be carried into effect by Metropolitan Board.
4. Power to Board to appoint a committee.
5. The Board may purchase undertakings of companies.
6. Terms of purchase of undertakings of companies.
7. As to consideration in case of the company in Part II. of schedule.
8. Payment of consideration for purchase of Chelsea Suspension Bridge.
9. Payment of consideration for purchase of undertakings included in Part I. of schedule.
10. Payment of consideration for purchase of undertakings included in Part I. of schedule.
11. Payment of consideration for purchase of undertakings included in Part II. of schedule.
12. Companies books evidence.
13. Transfer of undertaking.
14. Effect of transfer.
15. Actions and proceedings not to abate.
16. Company to continue liable for debts, &c. unpaid.
17. As to property of company not being part of undertaking as defined by this Act.
18. Compensation to officers, &c. of companies.
19. Compensation to officers of Waterloo Bridge Company.
20. Power to sell surplus lands, and application of moneys arising therefrom.
21. Special provisions as to Deptford Creek Bridge.
22. Board of Works for district of Greenwich to have control of Deptford Drawbridge, and power to Board to pay expenses.

[Bill 131.]

A.

Clause.

23. Dissolution of certain companies.
24. Power to borrow.
25. Justices of the peace of Middlesex and Surrey to contribute towards maintenance of bridges.
26. Power of Board to defray certain expenses.
27. Moneys required from vestries and district boards to be raised as a general rate.
28. Saving rights of London Gaslight Company.
29. Saving for Conservators of River Thames.
30. Expenses of Act.

SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for throwing open for the free use of the Public A.D. 1877.
certain Toll Bridges within the Metropolis.

WHEREAS it is expedient that the several toll bridges set forth in the schedule to this Act annexed, which are situate within the metropolis, should be thrown open free from toll for the use of the public, and with that view that the powers in this Act contained should be conferred on the Metropolitan Board of Works, and that the other provisions in this Act contained in relation thereto should be made :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Metropolis Toll Bridges Act, 1877." Short title.

2. In the construction of this Act, the following terms shall have the meanings herein-after assigned them : Interpretation of terms.

"The Board" shall mean the Metropolitan Board of Works.

The term "bridge" shall include any of the bridges mentioned in the first column of the schedule to this Act annexed, and all buildings and works in, under, upon, or forming part of the same.

The term "company" used in relation to any bridge shall mean the company or body specified in the second column of Part I. or Part II. of the schedule to this Act annexed, opposite to the name of such bridge.

The term "special Act" with respect to a company shall mean and include any and every Act of Parliament relating to such company.

[Bill 131.]

A 2

A.D. 1877.

The term "undertaking" shall mean,—

With respect to any company specified in Part I. of the schedule to this Act annexed, the bridge of such company and the approach roads to and toll-houses on or near the same, and all lands and works necessarily occupied or used for the purposes 5 of the same, and all the estate, right, title, and interest of such company in or to the same, and all rights, powers, and authorities and privileges of such company in relation thereto, under their special Act or otherwise; and

With respect to the company specified in Part II. of the schedule 10 to this Act annexed, all rights of way or passage over the bridge of such company, and all powers, authorities, and privileges enjoyed or exerciseable by such company with respect to such rights of way or passage, and all rights, powers, authorities, and privileges enjoyed or exerciseable by such 15 company with respect to tolls and charges arising from or in connexion with such rights of way or passage over such bridge, and all the estate, right, title, and interest of such company in or to such rights of way or passage, tolls, and charges, under their special Act or otherwise. 20

Act to be carried into effect by Metropolitan Board.

3. This Act shall be carried into effect by the Board.

Power to Board to appoint a committee.

4. The Board may from time to time appoint a committee to manage and transact all or any of the matters or purposes which the Board are by this Act empowered to do or perform, which committee shall have so much or so many of the powers by this 25 Act conferred on the Board as from time to time the Board see fit to delegate to them.

The Board may purchase undertakings of companies.

5. The Board shall, within *two years* after the passing of this Act, by notice in writing, require each and every company specified in the schedule to this Act annexed to sell, and every such company 30 shall when so required sell their undertaking to the Board, and the Board shall purchase the same, in the manner and subject to the terms and conditions by this Act prescribed.

Terms of purchase of undertakings of companies.

6. The consideration to be paid by the Board for the purchase of the undertaking of any company shall be such as may be settled 35 by agreement between the Board and such company, or failing such agreement as may be settled in manner provided by the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the purchase and taking of lands otherwise than by agreement, and for such purpose the said provisions 40 shall be incorporated with this Act; and in the construction of the same, the terms "the promoters of the undertaking" and "lands"

used therein, shall be construed to mean the Board and the undertaking respectively: A.D. 1877.

Provided that in estimating the consideration payable in respect of the undertaking of any company, due regard shall be had to the
5 net annual value of the tolls payable and revenue arising in respect of the undertaking of such company prior to the *first day of July one thousand eight hundred and seventy-six*, the construction, durability, and present state of repair of such bridge, the liability of such company to maintain the same, the probabilities of future
10 profits out of and future expenditure in relation to the same, and the special circumstances (if any) affecting the case.

7. The amount of the consideration, when agreed upon or ascertained in manner aforesaid in respect of all or any of the undertakings of the company specified in Part II. of the schedule to
15 this Act annexed, shall, in case the Board shall by writing under their seal so require, be made payable by means of an annual rentcharge to be calculated in manner by this Act prescribed, and any such consideration, whether payable in one sum or by any such rentcharge, shall be paid or payable to such company upon
20 the conditions following, in this Act referred to as "the conditions of purchase;" (that is to say,)

Such company shall maintain and keep their bridge in substantial repair, suitable and open to the public for the traffic upon the same authorised by the special Act, which conditions such company
25 shall and they are hereby required to fulfil.

In case any difference shall arise between such company and the Board as to whether or not such company, after payment of any such consideration in one sum or while any such rentcharge shall be payable, shall from time to time have fulfilled all the conditions
30 of purchase, such difference shall be decided by an arbitrator to be appointed by the Board of Trade on the application of such company or of the Board, whose decision as to such difference and as to the payment of the costs incurred in the proceedings before him shall be final and binding upon such company and the Board.

35 Every such rentcharge payable to such company shall be calculated at such rate per annum, in respect of every one hundred pounds or any fractional part thereof forming part of the consideration so agreed or ascertained as aforesaid to be payable to such company, as may be agreed upon between such company and
40 the Board, or as may be settled when the amount of such consideration shall be determined, and the same shall be paid by equal half-yearly payments in each and every year on such days respec-

As to consideration in case of the company in Part II. of schedule.

A.D. 1877. tively as may be fixed when the amount of such rentcharge shall be determined.

Payment of consideration for purchase of Chelsea Suspension Bridge.

8. The amount of the consideration to be paid by the Board for the purchase of the undertaking of the Chelsea Suspension Bridge shall be paid to Her Majesty's Paymaster-General, and be by him 5 carried to the account of the Commissioners of Her Majesty's Works and Public Buildings, and upon such payment the Paymaster-General shall give to the Board, or to the party paying such money, by their direction, a receipt for such money, and such receipt shall be a sufficient discharge for the same. 10

Payment of consideration for purchase of undertakings included in Part I. of schedule.

9. The amount of the consideration to be paid by the Board for the purchase of the undertaking of any company included in Part I. of the schedule to this Act annexed, when agreed upon or so ascertained as aforesaid, shall be paid, except in the case of the undertaking of the Chelsea Suspension Bridge, into the Bank of 15 England in the name and with the privity of Her Majesty's Paymaster-General, and shall be placed to his account there to the credit of such company, subject to the provisions of this Act, and shall be assets of such company; and upon such payment the said Paymaster-General and the cashier of the said bank shall respectively 20 give to the Board, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid, and such receipt shall be a sufficient discharge for the payment of the same, and the Board shall not be bound to see to the application or be 25 answerable for the misapplication or non-application thereof.

In case such company shall, before the expiration of *one month* after the payment into the said bank, have passed a special resolution requiring such company to be wound up voluntarily or by the Chancery Division of the High Court of Justice, then such 30 company shall be wound up voluntarily or by the said court in accordance with such resolution; and in case any such company shall not within such time have passed any such resolution, then the said court may, upon petition presented within the period of one month after the expiration of such time by any creditor or 35 creditors, contributory or contributories, of such company, or by all or any of the above parties together or separately, order such company to be wound up in case the said court shall be of opinion that it is just and equitable that such company should be wound up.

Provided always, that in case a special resolution shall have been 40 passed by any such company to wind up voluntarily, the court may make an order directing that the voluntary winding-up should

A.D. 1877.

continue, but subject to such supervision of the said court, and with such liberty for creditors, contributories, or others to apply to the said court, and generally upon such terms and subject to such conditions as the said court thinks just.

5 In case any such company shall be wound up in manner aforesaid, the following provisions of the Companies Act, 1862, that is to say, Part IV., with respect to the winding-up of companies and associations under the said Act, and Part VIII., application of Act to unregistered companies (except sub-section two of section one
10 hundred and ninety-nine), shall extend and apply to the winding-up of such company voluntarily, or voluntarily subject to the supervision of the said court, or by the said court, as the case may be, and, subject to the provisions of this Act, such winding-up of such company shall in every respect be a winding-up of a company within
15 the meaning and subject to the provisions of the Companies Act, 1862.

In case such company shall be wound up in manner aforesaid, the moneys forming the assets of such company in the Bank of England shall be paid out to the order of the liquidator or liquidators, or official liquidator or official liquidators, and shall be
20 by them distributed according to the said provisions of the Companies Act, 1862.

In case such company shall not be wound up as aforesaid, the moneys forming the assets of such company in the Bank of England shall be paid to such person or persons on behalf of such
25 company as such company may by a special resolution appoint, and such assets shall be held by such company upon trust to pay and satisfy all debts and liabilities of such company according to their respective priorities, and to distribute the balance remaining after such payment and satisfaction among the holders of the
30 share capital of the company, their executors, administrators, successors, or assigns, rateably according to their respective priorities, and the directors of such company may exercise all powers necessary for distributing such moneys as aforesaid, and for winding-up the affairs of such company, or for continuing any
35 part of their business which they may be capable of continuing, according as such company shall by special resolution determine that their affairs should be wound up or that such part of their business should be carried on.

Provided always, that where the directors of such company are
40 for *twelve months* after the payment to the company of such assets unable after diligent inquiry to ascertain the person to whom any part of such assets is payable, or where any part thereof is payable to a person who or whose committee cannot give an

A.D. 1877. — effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

The term “special resolution” shall in this Act have the same meaning as the same term in “The Companies Act, 1862.” 5

Payment
of consid-
eration for
purchase
of under-
takings
included in
Part I. of
schedule.

10. The amount of the consideration to be paid by the Board for the purchase of the undertaking of any company included in Part I. of the schedule to this Act annexed, when agreed upon or so ascertained as aforesaid, shall, except in the case of the undertaking of the Chelsea Suspension Bridge, be paid to such of the 10 directors or of the committee of management of such company, or to such other persons or person as such company shall, by a resolution passed at a general meeting of such company prescribe, upon their receipt, except where such directors, committee of management, or persons shall refuse to accept the same, or where no such 15 resolution has been passed, and in such case the same shall be paid into the Bank of England in the name and with the privity of Her Majesty’s Paymaster-General, and shall be placed to his account there to the credit of such company, subject to the provisions of this Act, and shall be assets of such company to be paid to such 20 directors or committee of management of the company or other persons as the company shall prescribe by a resolution passed at a general meeting of such company, to be held subsequently to and within six months after the payment of such consideration into the Bank of England as aforesaid, upon the order of the said Paymaster- 25 General, which order he is hereby required to make upon the application of such directors, committee of management, or other persons as aforesaid, and upon production of a copy of such resolution, signed and verified by the chairman and secretary or clerk of such company, and upon such payment being made by the Board, the said directors, 30 committee of management, or persons, or the cashier of the said Bank, shall give to the Board, or to the party paying in such money, by their direction, a receipt for such money signed by them or him, specifying therein for what purpose and to whose credit the same has been paid, and such receipt shall be a sufficient discharge to 35 the Board for the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof. The directors, committee of management, or persons to whom any such consideration shall be paid as aforesaid shall hold such consideration upon trust to pay and satisfy all debts 40 and liabilities of such company according to their respective priorities, and to distribute the balance remaining after such payment

and satisfaction among the holders of the share capital of the company, their executors, administrators, successors, or assigns rateably according to their respective priorities, and such directors, committee of management, or persons may exercise all powers
5 necessary for distributing such consideration as aforesaid and for winding up the affairs of such company or for continuing any part of their business which they may be capable of continuing according as such company shall by any such resolution as aforesaid determine that their affairs should be wound up or that such part of their
10 business should be carried on.

Provided that where such directors, committee of management, or other persons are for twelve months after the payment to them of such consideration unable, after diligent inquiry, to ascertain the person to whom any part of such consideration is
15 payable or where any part thereof is payable to a person who, or whose committee cannot give an effectual receipt for the same, the directors or committee of management may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

20 In case such consideration shall be paid into the Bank of England in manner aforesaid, and in case such company shall not within such period of six months thereafter have passed any such resolution as aforesaid, or in case the directors or other persons named in any such resolution shall not within one month after the passing of
25 such resolution obtain payment out of the Bank of England of such consideration, then upon petition presented within the period of one month after the expiration of such time by any creditor or creditors contributory or contributories of such company, or by all or any of the above parties, together or separately, the Chancery
30 Division of the High Court of Justice shall order such company to be wound up, and thereupon the following provision of the Companies Act, 1862, that is to say, Part IV., with respect to the winding-up of companies and associations under the said Act, and Part VIII., application of Act to unregistered companies, shall
35 extend and apply to the winding-up of such company, and subject to the provisions of this Act, such winding-up of such company shall in every respect be a winding-up of a company within the meaning, and subject to the provisions of the Companies Act, 1862.

40 In case such company should be wound up in manner aforesaid, the moneys forming the assets of such company in the Bank of England shall be paid out to the order of the official liquidator or

A.D. 1877. official liquidators, and shall be by him or them distributed according to the said provisions of the Companies Act, 1862.

Payment of consideration for purchase of undertakings included in Part II. of schedule.

11. The amount of the consideration to be paid by the Board for the purchase of the undertakings of the company specified in Part II. of the schedule to this Act annexed, and any rentcharge payable in respect of such consideration when agreed upon or so ascertained as aforesaid, shall be paid to the directors of such company, or to any five of such directors, upon their receipt, except where such directors shall refuse to accept the same, or where the conditions of purchase have not been complied with, and in such case the same shall be paid into the Bank of England in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice, and shall be placed to his account there to the credit of such company, subject to the control and disposition of the said court; and upon such payment or deposit being made the said directors or the cashier of the said bank shall give to the Board, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid, and such receipt shall be a sufficient discharge to the Board for the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Where under the authority of this Act any moneys have been deposited by the Board in the Bank of England in manner aforesaid, the Chancery Division of the High Court of Justice may, upon the application of any party making claim thereto in a summary way as to such court shall seem fit, order such moneys to be laid out or invested in the public funds, or may order distribution thereof or payment of the dividends thereof according to the respective estates, titles, or interests of the parties making claims to the same or any part thereof, and may make such other order in the premises as to such court shall seem fit; and for the purposes aforesaid the said court may exercise all powers necessary for distributing such moneys and paying such dividends; and the said court shall apportion amongst the several persons entitled thereto such moneys or any part thereof, or the dividends thereof, or amongst such of the said persons as to such court shall seem fit, and shall order payment by such persons of the costs of any investment of such moneys in manner aforesaid, and of the transfer, alteration, or sale of any such investment, and of the distribution of any such moneys, and also the costs of any proceedings or orders in or by the said court for all or any of the purposes aforesaid, or

A.D. 1877.

incidental thereto or consequent thereupon: Provided always, that no order shall be made for the payment out of court of any moneys or of any dividends or interest in respect of moneys so paid into the Bank of England in respect of the undertakings of the company
 5 specified in the second column of Part II. of the schedule to this Act annexed by reason of the neglect of such company to make good any default in compliance with the conditions of purchase, until proof shall be given that such default has been made good, and the said court, if it shall seem fit, may make an order to enforce
 10 compliance with such conditions of purchase, and may order the payment of the costs of any proceedings in respect thereof out of the moneys so paid into the Bank of England as aforesaid, or which may thereafter become payable by the Board on account of any rent-charge, or in any other manner, as to such court shall seem proper.

15 **12.** For the purposes of the distribution of the assets of any company the persons who appear in the books of such company to be proprietors of capital, or of annuities, mortgages, or debentures of such company, shall, unless the contrary is proved to the satisfaction of the persons or court authorised to distribute the same, be
 20 considered to be proprietors of capital, or of annuities, mortgages, or debentures of such company.

Companies
books evi-
dence.

13. When the receipt for the amount of the consideration or for the amount payable as a first payment of any such rentcharge as aforesaid on account of the consideration agreed upon or so ascer-
 25 tained as aforesaid to be paid for the purchase of the undertaking of any company has been signed in manner directed by this Act, then such undertaking shall, by virtue thereof and of this Act, be transferred to and vested in the Board, and they shall be entitled to immediate possession, and they shall have absolute control of
 30 such undertaking freed and discharged from all debts, charges, and liabilities of the company affecting the same, and thereupon all duties, obligations, and liabilities of the company in respect of the same shall, save as by this Act expressly provided, absolutely cease and determine.

Trans-fer of
undertaking.

35 **14.** After the Board has acquired absolute control of any undertaking, the tolls and charges arising from or in connexion with the bridge or bridges comprised in such undertaking shall cease to be levied thereon and the said bridge or bridges shall be open free to the public, and the said bridge or bridges if specified in Part I.
 40 of the schedule to this Act annexed, and the roads over the same, shall be maintained and repaired by the Board, and the said bridges shall not be or become county bridges, but the approach roads

Effect of
transfer.

A.D. 1877. thereto shall be public highways maintainable and repairable as other highways in the parish or district in which the same shall be situate respectively.

Provided always, that the bridges specified in the several divisions herein-after mentioned shall be open free to the public at one and the same time; that is to say, 1st division, Waterloo Bridge and the Foot bridges at Cannon Street and Charing Cross; 2nd division, Lambeth Bridge, Vauxhall Bridge, Chelsea Bridge, Albert Bridge, and Battersea Bridge; 3rd division, Wandsworth Bridge, Fulham (otherwise Putney) Bridge, and Hammersmith Bridge.

Actions and proceedings not to abate.

15. If at the time of the transfer of the undertaking of any such company any action, suit, proceeding, or any cause of action is pending or existing by or against such company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer; and such action, suit, proceeding, or cause of action may, notwithstanding such transfer, be continued, prosecuted, and enforced by or against such company.

Company to continue liable for debts, &c. unpaid.

16. If at any time after the transfer of the undertaking of any company any claim is lawfully made for any debt or sum of money which at the time of the transfer is due or owing from such company for, on account, or in respect of such undertaking, and is not paid or discharged by them, the company shall, notwithstanding such transfer, be liable to satisfy such claim out of any assets of the company.

As to property of company not being part of undertaking as defined by this Act.

17. In case any company included in Part I. of the schedule to this Act annexed (except the Commissioners of Her Majesty's Works and Public Buildings) shall have, hold, possess, or enjoy any lands, works, or other property whatsoever, whether real or personal, or any rights, easements, powers, privileges, or authorities whatsoever which are not included in the undertaking of such company as defined by this Act, such company may sell the same or any of the same to any company, corporation, or person, upon such terms and subject to such conditions as may be agreed upon, or they may by notice in writing require the Board to purchase the same; and the Board in case they shall be so required, and if such notice shall have been served upon the clerk to the Board within two months after such company was required by the Board, under the authority of this Act, to sell their undertaking, shall purchase the same, upon such terms and conditions as may be agreed upon between the Board and such company, or failing such agreement, as may be settled by arbitration in manner provided by the provisions of the Lands Clauses Consolidation Acts, 1845, 1860,

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and 1869, with respect to the settlement of questions of disputed compensation required to be settled by arbitration; and for such purpose the said provisions shall be incorporated with this Act, and in the construction of the same the term “the promoters of the
 5 undertaking” used therein shall be construed to mean the Board; and in case such company shall not sell the same in manner aforesaid, they may continue to have, hold, possess, and enjoy the same.

All moneys payable to such company (except as aforesaid) by
 10 way of purchase-money or by way of rent or otherwise in respect of any such lands, works, or other property, rights, easements, powers, or privileges shall be paid to the directors or persons to whom the consideration for the purchase of the undertaking of the company was paid, or the survivors or survivor of them, or into
 15 the Bank of England, if such consideration was paid into the said Bank, and such moneys in the hands of such directors or persons, or in such Bank, shall be subject to all the provisions of this Act applicable to such consideration, and the payment and application and distribution of the same.

20 18. When the Board has acquired absolute control of the undertaking of any company, the Board shall continue to pay any allowance granted or paid by such company, before January first one thousand eight hundred and seventy-seven, by way of pension to any officer or servant of such company, in like manner in every respect as the
 25 same was theretofore paid by such company, and the Board shall grant by way of compensation for the abolition of office an allowance to the secretary, clerk or clerks, messengers, and toll collectors of such company, subject to the following conditions :

Compensation to officers, &c. of companies.

30 1. That such secretary, clerk, or toll collector shall be in the actual employment of the company immediately before the Board obtained absolute control of such undertaking, and shall have been in such employment for a continuous period of not less than two years previous to the first day of January one thousand eight hundred and seventy-seven :

35 2. That the amount of such allowance shall be such as would be payable on retirement to such secretary, clerk, or toll collector under section 2 of the Superannuation Act, 1859, in the event of his having served in an established capacity in the permanent civil service of the State for the same time as in
 40 the service of the company, and if ten years were added to the number of years he may have actually served :

3. That in estimating such allowance, the amount of the salary and emoluments upon which the same shall be calculated

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shall be taken on the average of the salary and emoluments actually received during the two years next preceding such first day of January one thousand eight hundred and seventy-seven, by such secretary, clerk, or toll collector, as and for his own use, after deducting therefrom any payments or 5 allowances usually made by him :

4. That no such allowance shall exceed two thirds of the salary and emoluments upon which the same shall be estimated.

Every such allowance shall be payable by two equal half-yearly payments, the first of such payments to be made at the expiration 10 of six months from the date when the Board shall have acquired absolute control over such undertaking: Provided always, that the Board may at any time agree with any person entitled to any allowance under this enactment for the commutation of such allowance.

15

Compensation to officers of Waterloo Bridge Company.

19. Having regard to the terms of employment of the principal clerk and assistant clerk of the Waterloo Bridge Company under 49 George III. c. 191. s. 26, when the bridge is purchased the said principal clerk and assistant clerk shall receive during their respective lives from the Board by way of compensation for the loss of 20 their offices from the time at which the Board takes possession of the company's bridge annuities payable half-yearly equal to three fourths of the annual emoluments derived by them from their respective offices on the tenth of April one thousand eight hundred and seventy-seven.

25

Power to sell surplus lands, and application of moneys arising therefrom.

20. The Board may from time to time sell and dispose of any of the lands, works, or other property purchased by them under this Act and not required by them for the purposes of this Act, and all moneys arising from any such sale or disposition shall be applied by the Board for and towards the carrying the purposes of 30 this Act into execution.

Special provisions as to Deptford Creek Bridge.

21. Whereas under the provisions of a local and personal Act passed in the first year of the reign of Her present Majesty, that is to say, the Act first Victoria, chapter one hundred and twenty (in this Act referred to as "the Act of 1837"), the London and 35 Greenwich Railway Company are required to pay by way of compensation, recompense, or allowance to the Deptford Creek Bridge Company in every year the difference (if any) between the moneys received in such year by the said Deptford Creek Bridge Company by way of rent for the tolls taken in respect of such 40 bridge, and a sum of two thousand three hundred and twenty-five pounds.

And whereas it is expedient that from and after the transfer to the Board of the undertaking of the Deptford Creek Bridge Company, provision should be made for the payment to the Board of so much on account of such compensation, recompense, or allowance as shall
5 be just, and as but for the passing of this Act would continue to be paid to the Deptford Creek Bridge Company by the London and Greenwich Railway Company; therefore

In estimating the consideration to be paid for the undertaking of the Deptford Creek Bridge Company, the net annual value of the
10 tolls and revenue of the said company shall be ascertained separately in manner by this Act prescribed, and due regard shall be had to the liability of the London and Greenwich Railway Company, their lessees and assigns, under section nine of the Act of 1837, to the payments therein prescribed in respect of such tolls and revenue
15 and to the possible determination thereof, and the amount of the net annual value of such tolls as specifically ascertained is herein-after in this section referred to as "the net annual value of the Tolls of Deptford Creek Bridge."

The London and Greenwich Railway Company, their lessees and
20 assigns, shall, from and after the transfer of the Deptford Creek Bridge to the Board, from time to time pay to the Board the difference between the sum of two thousand three hundred and twenty-five pounds mentioned in the said ninth section of the Act of 1837, and the net annual value of the tolls of Deptford Creek
25 Bridge at the times and in the manner provided by the said ninth section for the payments to be made thereunder to the Deptford Creek Bridge Company, and as if the amounts so from time to time payable had by the Act of 1837 been specifically mentioned and been made payable to the Board instead of to the Deptford
30 Creek Bridge Company: Provided always, that the Board and the London and Greenwich Railway Company, and their lessees and assigns, may at any time contract and agree for the payment by the London and Greenwich Railway Company, their lessees or assigns, of a capital sum in lieu of the before-mentioned annual
35 payments.

The properties by the tenth section of the Act of 1837 charged with the payment to the Deptford Creek Bridge Company of compensation, recompense, or allowance shall continue to be charged with the payment of the moneys by this Act made payable to the
40 Board on account of such compensation, recompense, or allowance by the London and Greenwich Railway Company, in like manner in every respect as if the same had by the said Act been made payable to the Board instead of to the Deptford Creek Bridge

A.D. 1877. Company, and all the powers and remedies by the said tenth section provided for the recovery by the said Deptford Creek Bridge Company of compensation, recompense, or allowance which might from time to time become due and be unpaid by the said London and Greenwich Railway Company shall enure to the benefit of and 5 may be exercised by the Board in like manner in every respect as if the Board were in the said section substituted for the Deptford Creek Bridge Company.

In all proceedings relating to the consideration to be paid to the Deptford Creek Bridge Company under this Act the South-eastern 10 Railway Company shall be entitled to appear and to be heard, and all costs and expenses of and incident to their appearance shall be deemed to be costs of such proceedings.

Board of Works for district of Greenwich to have control of Deptford Drawbridge, and power to Board to pay expenses,

22. From and after the transfer of the undertaking of the Deptford Creek Bridge Company all the powers, duties, and obliga- 15 tions of the said company under their special Act with respect to the opening or removing of the drawbridge or swingbridge in the Deptford Creek Bridge for the passage of ships and other vessels through the same shall be transferred to and shall be exercised and performed by and be binding upon the Board of 20 Works for the district of Greenwich, but the expenses incurred by the said Board of Works in respect thereof, not exceeding the average annual expense so incurred in the three years prior to the first day of January one thousand eight hundred and seventy-seven, shall, upon demand, be repaid to the said Board of Works by the 25 Board.

Dissolution of certain companies.

23. Any company whose undertaking has been transferred to the Board under this Act, and whose affairs have been adjusted or wound up in manner by this Act directed, shall thereupon be and they are hereby dissolved. 30

Power to borrow.

24. The Board may borrow such money, not exceeding in the whole *one million five hundred thousand pounds*, as they from time to time require for the purposes of this Act; and all the provisions of "The Metropolitan Board of Works (Loans) Acts, 1869 to 1871," except the limitation of the amount in section 38 of the first of 35 those Acts, shall, subject to the provisions of this Act, extend and apply to such borrowing and the repayment of the moneys so borrowed.

Justices of the peace of Middlesex and Surrey

25. The justices of the peace of the county of Middlesex and the justices of the peace of the county of Surrey shall each pay to 40 the Board the sum of *twelve hundred pounds* annually, by quarterly

instalments, in perpetuity out of the rates of those counties respectively, the first quarterly payment to be made at the expiration of three months from the date of the free opening of the bridges specified in Part I. of the schedule to this Act annexed; and such sums
 5 respectively shall be in full discharge in perpetuity as aforesaid of any liability of the inhabitants of those counties respectively to maintain, repair, or reconstruct any of such bridges situate wholly or partially within such counties respectively.

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—
 to contribute
 towards
 maintenance
 of bridges.

26. The Board may from time to time defray the expenses
 10 incurred by them in the execution of this Act and not by this Act otherwise provided for, in like manner in every respect, save as herein-after expressly provided, as if such expenses were expenses incurred by the Board in carrying into execution the purposes of
 "The Metropolis Management Act, 1855," and the Acts amending
 15 the same.

Power of
 Board to
 defray cer-
 tain ex-
 penses.

27. All sums which from time to time the Board may require
 for the purpose of carrying to the Consolidated Loans Fund such
 sums as may be approved by the Treasury as necessary to be so
 carried in respect of moneys borrowed under the authority of this
 20 Act, and all sums which from time to time the Board may require to defray any such expenses as aforesaid and which any vestry or district board may by precept be required to pay to the Board in pursuance of the provisions of this Act, shall in such precept be termed "bridge expenses," and shall be paid by such vestry and
 25 district board respectively, and shall be raised in like manner as if the same were required by the said vestry or district board for defraying such of the expenses of such vestry or district board as are chargeable upon their general rate.

Moneys
 required
 from vestries
 and district
 boards to be
 raised as a
 general rate.

28. Nothing in this Act contained shall prejudice, affect, or alter
 30 any right, privilege, or power vested in or enjoyed or exerciseable by the London Gaslight Company in respect of any main or pipe laid under, over, or along any bridge or the approaches thereto.

Saving rights
 of London
 Gaslight
 Company.

29. No transfer of any undertaking under the authority of the
 Act, and nothing in this Act contained, shall alter, vary, or affect
 35 any estate, right, title, or interest of the Conservators of the River Thames.

Saving for
 Conservators
 of River
 Thames.

30. The costs, charges, and expenses of preparing, applying for, obtaining, and passing of this Act, and preliminary and incidental thereto, shall be paid by the Board.

Expenses of
 Act.

A.D. 1877.

The SCHEDULE to which this Act refers.

PART I.

First Column.	Second Column.
1. Hammersmith Suspension Bridge.	Hammersmith Bridge Company. 5
2. Fulham (otherwise Putney) Bridge.	Fulham Bridge Company.
3. Wandsworth Bridge -	Wandsworth Bridge Company.
4. Battersea Bridge } -	Albert Bridge Company. 10
5. Albert Bridge - }	
6. Vauxhall Bridge -	Vauxhall Bridge Company.
7. Lambeth Bridge -	Lambeth Bridge Company.
8. Waterloo Bridge -	Waterloo Bridge Company.
9. Deptford Creek Bridge -	Deptford Creek Bridge Company.
10. Chelsea Suspension Bridge -	The Commissioners of Her Majesty's Works and Public Buildings. 15

PART II.

11. Footbridge at Charing Cross Railway Station.	South-eastern Railway Company. 20
12. Footbridge at Cannon Street Railway Station.	

Metropolis Toll Bridges.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To provide for throwing open for the free use of the Public certain Toll Bridges within the Metropolis.

(*Prepared and brought in by*
Sir James Hogg, Lord C. J. Hamilton, Sir Charles
Russell, Sir Henry Peek, Sir Trevor Lawrence,
Mr. Alderman McArthur, and Mr. Forsyth.)

Ordered, by The House of Commons, to be Printed,
12 April 1877.

[Bill 131.]

Under 2 oz.

LORDS AMENDMENTS
TO THE
METROPOLIS TOLL BRIDGES BILL.

*Note.—The page and line refer to the Bill (45.) as first printed
by the Lords.*

Page 1.

Line 27, after (“to”) insert (“the bridge of”)

Line 28, after (“company”) insert (“or any matter connected
“ therewith or incident thereto”)

Page 3.

Line 8, leave out (“seventy-six”) and insert (“seventy-seven”)

Line 12, after (“case”) insert (“and in any case in which the
“ vendors shall make specific application for costs incurred
“ by them in appearing before Parliament on the proceedings
“ in this session which have resulted in the passing of this
“ Act, the arbitrator, arbitrators, or umpire, as the case may
“ be, may make such addition to his or their award for such
“ costs as may appear to him or them to be reasonable”)

After clause 6. insert clause 6a. :

6a. Where in pursuance of any lease or agreement duly made or entered into before the first day of July one thousand eight hundred and seventy-seven, the tolls in respect of the undertaking of any company (except the Deptford Creek Bridge, or any part thereof) are payable to any company, body, or person (in this Act referred to as the “lessee”) at the time when the notice to sell such undertaking is given by the Board to such company as aforesaid, then and in every such case the consideration to be paid for such undertaking shall not be settled by agreement between the Board and such company as aforesaid unless the proportion thereof to be paid over by the company to the lessee be also determined, with the consent of the lessee, and if such consideration be not so settled and such proportion be not so determined as aforesaid, then the consideration to be paid by the Board to such company shall be settled in manner by this Act provided for the settlement of the considera-

[Bill 239.]

A

tion otherwise than by agreement, and in estimating such consideration the proportion thereof (if any) to be paid over by such company to the lessee in respect of his interest under such lease or agreement shall also be determined, and in determining such proportion due regard shall be had to the terms, conditions, and obligations of the said lease or agreement, the net annual value of the tolls payable in respect of the demised undertaking prior to such first day of July one thousand eight hundred and seventy-seven, the duration of such lease or agreement, the probabilities of future profits to be received or future expenses to be incurred by the lessee thereunder, and the special circumstances (if any) affecting the case: Provided always, that the lessee shall be entitled to appear and be heard in all proceedings relating to the settlement of the consideration to be paid by the Board to such company otherwise than by agreement, and to the determination of the proportion thereof to be paid over by the company to such lessee; and all costs and expenses of and incident to such appearance shall be deemed to be costs of such proceedings; and provided always, that no compensation shall be payable to any person for the determination of his interests in any lease or contract made after the first day of July one thousand eight hundred and seventy-seven, under which the tolls in respect of the undertaking of any company are payable to such person.

Line 22, after ("say") insert ("Subject to the provisions of
" this Act ")

Line 24, leave out from ("public") to ("which") in line 25,
and insert ("at all times for every description of foot
" traffic ")

Page 4.

Leave out clause 9.

Page 6.

Line 41, after ("consideration") insert ("after payment
" thereof of all proper costs, charges, and expenses
" incurred in carrying out the provisions of this Act, and
" consequent thereon and incidental thereto"), and after
("trust") insert ("subject, in the case of Waterloo Bridge,
" to the provisions contained in the eleventh and twelfth
" sections of this Act, in the first place to pay over to the
" lessee (if any) such proportion thereof (if any) as shall
" have been determined as the proportion to be paid to such
" lessee in respect of his interest under his lease or agree-
" ment, and in the next place forthwith")

Page 7.

Line 13, leave out from ("are") to ("unable") in line 14.

Page 8.

Line 2, after ("1862") insert ("but subject, in the case of
" Waterloo Bridge, to the provisions contained in the
" eleventh and twelfth sections of this Act")

After clause 10. insert clauses 10*a.* and 10*b.* :

10*a.* Any resolution passed by a majority in value of the shareholders, annuitants, or bondholders of the Waterloo Bridge Company respectively present, either personally or by proxy, at a meeting of such shareholders, annuitants, or bondholders respectively, which meeting shall have been convened by letter addressed and sent by post to the last known place of abode of each such shareholder, annuitant, or bondholder, and advertized twice in two London daily newspapers not less than twenty-one days before the date fixed for such meeting, shall effectually bind the whole of such shareholders, annuitants, and bondholders respectively as to the amount or distribution of the consideration paid or to be paid for the purchase of the company's undertaking or as to any payments or allowances to be made thereout.

10*b.* The amount of the consideration to be paid by the Board for the purchase of the undertaking of the Waterloo Bridge Company shall be ascertained by an arbitrator, arbitrators, or an umpire, and when such arbitrator, arbitrators, or umpire shall have so determined the same he or they shall, if so requested by the said company, determine the value of the interest of the holders of bonds of annuities and of shares separately for distribution among each of such bodies respectively : Provided always, that nothing herein-before contained shall authorise the arbitrator, arbitrators, or umpire to proceed otherwise in estimating the compensation to be paid by the Board to the company than in accordance with the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, as applied to this Act.

Line 24, leave out ("Act") and insert ("section")

Page 9.

Line 17, after ("mortgages") insert ("bonds")

Line 30, after ("all") insert ("leases, contracts")

Line 31, after ("liabilities") insert ("whatsoever")

Page 10.

Line 7, leave out ("Footbridges at Cannon Street and Charing
" Cross") and insert ("Footbridge at Charing Cross and
[239.]

“ also the Footbridge at Cannon Street, unless the same be
“ then closed and discontinued in accordance with the pro-
“ visions of this Act ”)

Page 11.

Line 29, after (“ clerk ”) insert (“ messenger ”)

Line 36, after (“ clerk ”) insert (“ messenger ”)

Page 12.

Line 4, after (“ clerk ”) insert (“ messenger ”)

Line 23, after (“ annual ”) insert (“ salary and ”)

Page 13.

Line 9, after (“ Company ”) insert (“ such consideration shall
“ be estimated upon the basis that the Deptford Creek Bridge
“ Company is entitled to receive not only the actual tolls of
“ such bridge, but also annually and in perpetuity from the
“ London and Greenwich Railway Company, their lessees
“ and assigns, the difference between such tolls and the sum
“ of two thousand three hundred and twenty-five pounds
“ and ”)

Page 15.

After clause 27. insert clause 27*a.* :

27*a.* The South-eastern Railway Company may from time to time close such part or parts of the Charing Cross Railway Bridge as may for the time being be appropriated for the purposes of foot traffic, and discontinue the use thereof for such purposes upon substituting in lieu thereof such other adequate and proper accommodation for the said foot traffic as may be agreed upon between the Board and the company, or failing such agreement as may be settled by arbitration, and thereupon all rights of way or passage over such part or parts so closed as aforesaid shall absolutely cease and determine, and the provisions of this Act in relation thereto shall apply to the accommodation so substituted in lieu thereof as aforesaid in every respect as if such substituted accommodation had originally been the bridge of such company as defined by this Act.

Nothing in this Act contained shall deprive the South-eastern Railway Company of the right to close that part of the Cannon Street Bridge which shall at the time of the passing of this Act, or at any time hereafter be appropriated to the purposes of a footbridge, and to discontinue the use thereof by foot passengers: Provided that in the event of such closing and discontinuance, the said company shall be liable to refund to the Board such proportionate part of the

consideration money (if any) which shall have been received by them under the provisions of this Act as, failing agreement, shall be determined by arbitration, or if such consideration shall have been made payable by way of an annual rentcharge, such rentcharge shall thereupon be extinguished. Any arbitration under this section shall be in manner provided by the Railway Companies Arbitration Act, 1859, and the Board shall be deemed a railway company within the meaning of that Act.

Page 16.

In line 14. of the first column after ("station") insert ("as
" set apart for the use of foot passengers on the 1st day of
" January 1877 ")

In line 16. of the first column after ("station") insert ("as
" set apart for the use of foot passengers on the 1st day of
" January 1877 ")

LORDS AMENDMENTS

TO THE

METROPOLIS TOLL BRIDGES
BILL.

*Ordered, by The House of Commons, to be Printed,
6 July 1877.*

[Bill 239.]

Under 1 oz.

Metropolitan Board of Works (Money) Bill.

MEMORANDUM.

TABLE I.—MONEY RAISED BY THE METROPOLITAN BOARD OF WORKS SINCE 1856, THE YEAR IN WHICH THE METROPOLIS LOCAL MANAGEMENT ACT CAME INTO OPERATION, AND NET DEBT OF THE BOARD ON 30TH JUNE 1877.

	£
For discharge of Loans of former Commissioners of Sewers - - -	275,000
„ Main Drainage and Main Sewers - - - - -	5,500,504
„ Victoria, Albert and Chelsea Embankments, and Queen Victoria Street -	4,332,256
„ Charing Cross and Victoria Embankment Approach - - -	698,550
„ Street Improvements under special Acts of Parliament - - -	3,304,190
„ Local and Minor Improvements under general Act - - -	393,300
„ Finsbury Park, Southwark Park, Hampstead Heath, Victoria Park (additional land), Blackheath, Shepherd's Bush, and other Commons and open spaces - - - - -	346,360
„ Fire Brigade Stations and Plant - - - - -	170,947
„ Loans to the Managers of the Metropolitan Asylums District - - -	750,000
„ Loans to the School Board for London and other Local Authorities -	866,771
„ Government Stamp-duty and other costs in raising Loans - - -	50,647
„ Conversion of Debt - - - - -	2,322,600
Amount not yet applied, but applicable to some of the foregoing purposes -	385,258
	<u>£19,396,383</u>
Debt repaid :	
(a.) Before the passing of the Loans Act of 1869 - - -	£2,010,539
(b.) Since that date (for further details, see Table VI.)- - -	2,337,114
(c.) By conversion into Metropolitan Consolidated Stock - - -	2,322,600
	<u>6,670,253</u>
Debt outstanding on 30th June 1877 :	
Consolidated Stock - - - - -	9,552,527
Old Liabilities - - - - -	3,173,603
	<u>12,726,130</u>
On the other hand, the Board has assets, viz.:	
Loans advanced by the Board, and outstanding - - -	1,454,177
Surplus land and property, as estimated - - -	2,062,853
	<u>3,517,030</u>
Net liability after deducting assets - - - - -	<u>£9,209,100</u>
The liability of the Board to redeem Metropolitan Consolidated Stock at par involves a further contingent charge of - - - - -	<u>£393,485</u>
The net debt outstanding on 31st December 1875, was - - - - -	<u>£9,216,699</u>

TABLE II.—BORROWING POWERS WHICH EXPIRED ON 31ST DECEMBER 1876.

Act conferring Borrowing Power.	Purpose of Borrowing.	Borrowing Power expired.
The Metropolitan Board of Works (Loans Act, 1875 (38 & 39 Vict. c. 65.).	{ Fire Brigade - - - - -	£ s. d. 7,104 19 4
	{ Minor Improvements - - - - -	17,137 19 8
	{ Loans to Public Bodies under Section 6	48,000 0 0

TABLE III.—UNEXHAUSTED BORROWING POWERS OF THE BOARD ON 30th June 1877.

Act conferring Borrowing Power.	Purpose of Borrowing.	Amount of Unexhausted Borrowing Power.
<i>(a.) Borrowing powers within specified limits :</i>		
The Metropolitan Board of Works (Loans) Act, 1869 (32 & 33 Vict. c. 102.)	Works under the Board's General Improvement, Main Drainage, and Embankment Acts.	£ s. d. 143,907 16 7
The Tramways Act, 1870 (33 & 34 Vict. c. 78.)	Tramways - - - - -	{ 300,000 0 0 Stock.
The Kew and other Bridges Act, 1869 (Amendment) Act, 1874 (37 & 38 Vict. c. xxi.)	Loan to Joint Committee of Board and Corporation of City for freeing certain Bridges from Toll.	
The Metropolitan Inner Circle Completion Act, 1874 (37 & 38 Vict. c. cxcix.)	Contribution towards completing the Inner Circle Railway and forming a street in the City.	370,000 0 0
	Loan to Commissioners of Sewers of City for contribution to same object.	130,000 0 0
The West Kent Main Sewerage Act (38 & 39 Vict. c. 163.)	Loan to the West Kent Main Sewerage Board.	130,000 0 0
The Metropolitan Toll Bridges Act (40 & 41 Vict. c. xcix. (Royal Assent 12th July 1877).)	To throw open for the free use of the Public, the Toll Bridges in the Metropolis.	1,500,000 0 0
		Further Amount (estimated) required to be borrowed.
<i>(b.) Borrowing powers having purposes but not limits specified :</i>		
The Elementary Education Act, 1870 (33 & 34 Vict. c. 75.)	Loans to the School Board for London -	£ s. d. Uncertain.
The Metropolitan Commons Supplemental Act, 1871 (34 & 35 Vict. c. lvii.)	Blackheath - - - - -	{ Nil.
The Metropolitan Commons Second Supplemental Act, 1871 (34 & 35 Vict. c. lxiii.)	Shepherd's Bush - - - - -	
The Metropolitan Commons Supplemental Act, 1872 (35 & 36 Vict. c. xliii.)	Hackney Commons - - - - -	
The Hornsey Local Board Act, 1871 (34 & 35 Vict. c. cxxix.)	Loans to Hornsey Local Board -	{ 20,000 0 0
The Charing Cross and Victoria Embankment Approach Act, 1873 (36 & 37 Vict. c. c.)	Charing Cross and Victoria Embankment Approach.	
The Beckenham Sewerage Act, 1873 (36 & 37 Vict. c. ccxviii.)	Loans for Beckenham Sewerage -	{ Nil.
The Leicester Square Act, 1874 (37 & 38 Vict. c. x.)	Leicester Square - - - - -	
The Metropolitan Board of Works Act, 1874 (37 & 38 Vict. c. xcvii.)	New Road, Finsbury Park -	4,500 0 0
The Artizans and Labourers Dwellings Improvement Act, 1875, General Powers (38 & 39 Vict. c. 36.)	Artisans Dwellings - - - - -	Uncertain.
The Metropolitan Board of Works (Various Powers) Act, 1875 (38 & 39 Vict. c. 179.)	Improvements in the Savoy, Charing Cross Approach, &c.	30,000 0 0
Total (approximately) - - -		2,638,407 16 7

TABLE IV.—RATING OF METROPOLIS BY THE BOARD.

Year.	Rateable Annual Value of Property.	Rate in Pound levied by Board.
	£	d.
1856	11,283,663	2·09
1857	11,290,869	1·86
1858	12,031,151	2·13
1859	12,045,476	4·3
1860	12,057,455	5·38
1861	12,450,416	5·32
1862	12,514,053	5·2
1863	12,569,969	5·53
1864	12,588,661	6·12
1865	14,419,823	5·22
1866	14,524,542	6·32
1867	15,261,999	6·99
1868	16,196,547	6·09
1869	16,257,643	6·04
1870	18,719,237	5·1
1871	18,683,288	3·31
1872	19,971,281	2·68
1873	20,287,709	2·74
1874	20,549,011	4·42
1875	20,886,946	5·26
1876	23,113,029	4·6
1877	23,136,819	4·82
	Estimated.	
1878	23,200,000	4·8

TABLE V.—RATING OF THE METROPOLIS IN 1877 IN RESPECT OF DEBT RAISED FOR IMPROVEMENTS CARRIED OUT BY THE BOARD.

	£
The total charge for interest and redemption of capital is - - - - -	649,766
Towards which coal and wine duties, interest receivable from local authorities, and rents of lands and premises on the various lines of improvement not yet disposed of, amount to - - - - -	359,471
Net charge of debt on rates - - - - -	£290,295
or equivalent to a charge on the rates of 3·01 <i>d.</i> in the pound.	
The net charge of debt on rates in 1876 was - - - - -	£315,584
or 3·25 <i>d.</i> in the pound.	

For every 100,000*l.* by which the debt is increased, the additional charge on the rates will amount to 0·05*d.* in the pound, unless counter-balanced by the increase of the rateable annual value.

TABLE VI.—REDEMPTION OF DEBT BY THE BOARD SINCE THE PASSING OF THE LOANS ACT OF 1869.

ACCOUNT OF SUMS received into the Consolidated Loans Fund from 9th August 1869 (the date of the Loans Act of 1869) to 30th June 1877, and applicable to the Redemption of Debt.

<i>Receipts.</i>			<i>Disbursements.</i>		
	£	s. d.		£	s. d.
From accrued balance of mortgage debt sinking fund - - - - -	152,600	0 0	Applied to repayment of debt:		
Gain on sale of investments in government stock - - - - -	10,951	3 10	1869-70 - - - - -	£	s. d.
From precept account, amounts included for redemption of debt:			1870-71 - - - - -	153,087	16 8
	£	s. d.	1871 (3 quarters) - - - - -	232,204	10 5
1869-70 (half year) - - - - -	54,418	0 0	1872 - - - - -	186,280	12 4
1870-71 - - - - -	108,835	0 0	1873 - - - - -	169,785	10 3
1871 (3 quarters) - - - - -	107,231	0 10	1874 - - - - -	326,033	6 8
1872 - - - - -	109,754	3 11	1875 - - - - -	132,533	6 8
1873 - - - - -	112,790	18 3	1876 - - - - -	408,033	6 8
1874 - - - - -	143,040	19 2	1877 (half year) - - - - -	423,000	0 0
1875 - - - - -	181,014	8 10			
1876 - - - - -	178,567	1 0			
1877 (half year) - - - - -	90,960	10 0			
	1,086,612	2 0	Dividends on stock raised in respect of a loan of 40,000 <i>l.</i> advanced to the joint committee under the Kew and other Bridges Act, the same to be repaid with compound interest on 10th July 1889, and the whole to be then applied to repayment of debt (37 & 38 Vict. c. 21, s. 4) - - - - -	2,337,114	10 7
From sundry Boards in repayment of loans advanced out of Metropolitan Consolidated Stock:					
	£	s. d.			
1870-71 - - - - -	7,666	13 4			
1871 (3 quarters) - - - - -	8,344	12 8			
1872 - - - - -	9,301	15 9			
1873 - - - - -	13,771	6 10			
1874 - - - - -	46,676	5 7			
1875 - - - - -	29,205	5 7			
1876 - - - - -	48,675	15 7			
1877 (half year) - - - - -	319	8 6			
	163,961	3 10			
From sales of property, various improvements:					
	£	s. d.			
1869-70 - - - - -	97,493	18 0			
1870-71 - - - - -	106,010	14 8			
1871 (3 quarters) - - - - -	41,357	2 6			
1872 - - - - -	48,894	10 10			
1873 - - - - -	109,452	14 1			
1874 - - - - -	206,847	8 11			
1875 - - - - -	15,922	5 2			
1876 - - - - -	77,014	10 6			
1877 (half year) - - - - -	58,752	11 4			
	761,745	16 0			
From Local Boards on admission into main drainage system:					
	£	s. d.			
North Hornsey - - - - -	10,000	0 0			
Beckenham - - - - -	1,250	0 0			
South Hornsey - - - - -	942	0 0			
	12,192	0 0			
Balance, being amount applied, in anticipation of receipts falling due during latter half of 1877 - - - - -	150,187	16 6			
	2,238,250	2 2			
				2,238,250	2 2

Spring Gardens,
16th July 1877.

ARTHUR GUNN,
Accountant of the Board.

For New Money Powers proposed in this Bill, *see* the Schedule on page 9.

Metropolitan Board of Works (Money) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short title.
2. Construction of Act.
3. Amendment of section 4 of the Act of 1876 as to limit of amount for Fire Brigade.
4. Amendment of section 7 of the Act of 1876 as to limit of amount to be lent.
5. Amendment of section 8 of the Act of 1876.
6. Amendment of section 9 of the Act of 1876.
7. Power for Board to expend for general improvements and contributions.
8. Power for Board to expend for Fire Brigade purposes.
9. Power for Board to expend for the purposes of the Metropolitan Street Improvements and other Acts, 1877.
10. Power for Board to expend for purposes of the Metropolitan Street Improvements Act, 1872.
11. Power for Board to lend to vestry or district board.
12. Power for Board to lend to board of guardians.
13. Power for Board to lend to corporations, burial boards, &c.
14. Extension of amount of loans by Board for Metropolitan Asylum District.
15. Board may raise money by bills.
16. Form and length of currency and interest on Metropolitan bills.
17. Payment of proceeds of Metropolitan bill and charge of bill on consolidated rate.
18. Mode of issue of Metropolitan bills.
19. Regulations to be made by the Board as to issue, cancellation, &c. of Metropolitan bills.
20. Powers to create consolidated stock partially suspended while Metropolitan bills authorised to be raised.

[Bill 252.]

A

Clauses.

21. Application to Metropolitan bills of 24 & 25 Vict. c. 98.
 ss. 8-11 relating to forgery and other frauds.
 22. Arrangement with bank as to Metropolitan bills.
 23. Alteration of limitation of borrowing power.
 24. Repayments to go to consolidated loans fund.
 25. As to application of provisions of section 3 of Metropolitan
 Board of Works Loans Act, 1869.
-

A
B I L L

FOR

Further amending the Acts relating to the raising of Money
by the Metropolitan Board of Works ; and for other pur-
poses relating thereto. A.D. 1877.

WHEREAS by the Metropolitan Board of Works (Loans) Act,
1875, in this Act referred to as “the Act of 1875,” the
raising of money by the Metropolitan Board of Works (in this Act
referred to as “the Board”) for the purposes therein specified was
5 regulated, and provision was made requiring that the borrowing
powers granted to the Board by Parliament for the purposes therein
named should for the future be limited both in time and amount :

And whereas by the Metropolitan Board of Works (Loans) Act,
1876, (in this Act referred to as the “Act of 1876,”) the Board were
10 empowered to raise certain sums of money for the purposes in the
said Act mentioned, and limits of time and amount within which the
powers by the said Act granted might be exercised were fixed :

And whereas the powers for the raising of money by the Act of
1876 conferred upon the Board have been partially exercised, but
15 it is expedient that the Board should have power to raise certain
further sums of money for the purposes, upon the terms, and
subject to the limitations herein-after mentioned, and that for such
purposes the Act of 1876 should be amended :

And whereas it is expedient that the Board should be empowered
20 to raise any of the moneys which they are by this Act authorised
to raise, and which it may be convenient to raise for a temporary
period, by the issue of bills with the consent of the Treasury for
not less than three and not more than twelve months, to be repaid
out of moneys raised by the creation of consolidated stock under
25 this Act :

Be it therefore enacted by the Queen’s most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
[Bill 252.] A 2

A.D. 1877. Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the “Metropolitan Board of Works (Money) Act, 1877,” and the Act of 1875, the Act of 1876, and this Act may be cited together as the “Metropolitan Board of Works (Money) Acts, 1875 to 1877.” 5

Construction of Act. 2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875 and the Act of 1876.

Amendment of section 4 of the Act of 1876 as to limit of amount for Fire Brigade. 3. Section four of the Act of 1876 shall be read and construed as 10 if the aggregate amount which the Board was thereby authorised to raise and expend for the purposes of the Fire Brigade Act, 1865, had been limited to a sum not exceeding *thirty-five thousand pounds* instead of twenty thousand pounds.

Amendment of section 7 of the Act of 1876 as to limit of amount to be lent. 4. Section seven of the Act of 1876 shall be read and construed 15 as if the aggregate amount which the Board was thereby authorised to lend to vestries and district boards under the said section had been limited to a sum not exceeding *two hundred thousand pounds*, instead of to a sum not exceeding one hundred and fifty thousand pounds. 20

Amendment of section 8 of the Act of 1876. 5. Section eight of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to boards of guardians had been limited to a sum not exceeding *two hundred thousand pounds*, instead of one hundred and twenty thousand pounds. 25

Amendment of section 9 of the Act of 1876. 6. Section nine of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to the corporations, bodies of commissioners, burial boards, and other public bodies therein specified had been limited to a sum not exceeding *one hundred thousand pounds*, instead of fifty 30 thousand pounds.

Power for Board to expend for general improvements and contributions. 7. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* expend under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis 35 Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively.

The aggregate amount expended by the Board under this section shall not exceed *one hundred thousand pounds*.

The Board in order to raise money for purposes of this section A.D. 1877.
may from time to time create consolidated stock.

8. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* expend Power for Board to expend for Fire Brigade purposes.
5 for the purposes of providing station houses, fire-engines, fire-escapes, and permanent plant for the purposes of the Fire Brigade Act, 1865, such money as they think fit not exceeding *twenty thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

10 The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within thirty years from the date of the creation of stock for purposes of this section an amount of consolidated stock equal to that so created.

15 9. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* expend Power for Board to expend for the purposes of the Metropolitan Street Improvements and other Acts, 1877.
20 for the purposes of the Metropolitan Street Improvements Act, 1877, if it shall become law, such money as they think fit not exceeding *three millions seven hundred and twelve thousand five hundred and seven pounds*, and for the purposes of the Metropolitan Board of Works Act, 1877, such money as they think fit not exceeding *four thousand five hundred pounds*; and for the purposes of so much of the Metropolitan Commons Supplemental Act, 1877, if it becomes law, as relates to Clapham Common and Bostall Heath, such money
25 as they think fit not exceeding *thirty thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section, shall be raised and created by them
30 from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve for the purpose of carrying out the provisions of the said Acts in a proper and efficient manner.

10. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* expend Power for Board to expend for the purposes of the Metropolitan Street Improvements Act, 1872.
35 for the purposes of the Metropolitan Street Improvements Act, 1872, such additional sums of money as they think fit not exceeding *sixty thousand pounds*.

The Board in order to raise money for purposes of this section
40 may from time to time create consolidated stock.

A.D. 1877.

Power for
Board to
lend to ves-
try or dis-
trict board.

11. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire in pursuance of authority vested in them by Act of Parliament to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow. 5

The aggregate amount lent by the Board under this section shall not exceed *two hundred thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock. 15

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges or for the purpose of purchase of land in fee simple *sixty years*, and for any other purpose *thirty years*. 20

In case of a loan required to be for not exceeding *thirty years* the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period for which the loan is made not exceeding *thirty years* from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created. 30

Power for
Board to lend
to board of
guardians.

12. Where a board of guardians of a union or parish wholly or for the greater part in the Metropolis, as defined in the Metropolis Management Act, 1855, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit, and as the board of guardians are authorised and desire to borrow. 35 40

The aggregate amount lent by the Board under this section shall not exceed *two hundred thousand pounds*.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

- 5 Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding *thirty years*.
- 10 The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding *thirty years* from the date of the creation of stock for purposes of this section, an amount of consolidated stock
- 15 equal to that so created.

13. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the Metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the Metropolis as so defined, or to take within the Metropolis as so defined dues or impositions in the nature of rates, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight*, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

Power for Board to lend to corporations, burial boards, &c.

- The aggregate amount lent by the Board under this sections shall not exceed *fifty thousand pounds*.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

- Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening

A.D. 1877. of streets or bridges or for the purpose of purchase of land in fee simple *sixty years*, and for any other purpose *thirty years*.

In case of a loan required to be for not exceeding *thirty years* the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion 5 sufficient to redeem within the period for which the loan is made, not exceeding *thirty years* from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers 10 of the Metropolitan Asylum District or of the School Board for London.

Extension of
amount of
loans by
Board for
Metropolitan
Asylum Dis-
trict.

14. The Board may from time to time up to the *thirty-first day of December one thousand eight hundred and seventy-eight* lend to the managers of the Metropolitan Asylum District, in addition to 15 the sum of five hundred thousand pounds authorised by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorised 20 by section seven of the Act of 1875, and to the sum of one hundred thousand pounds authorised by section ten of the Act of 1876, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to not exceeding in the whole *fifty* 25 *thousand pounds*, and the first-mentioned section shall be construed as if *eight hundred and fifty thousand pounds* were therein substituted for five hundred thousand pounds.

Board may
raise money
by bills.

15. Notwithstanding anything in this Act or in any other Act relating to the Board contained the Board with the consent of the 30 Treasury may from time to time as they think fit raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of *four million six hundred and twenty-two thousand and seven pounds*, by the issue of bills under this Act.

35

Form and
length of
currency and
interest on
Metropoli-
tan bills.

16. A bill under this Act (in this Act referred to as a "Metro-
politan bill") shall be a bill in form prescribed by a regulation
made in pursuance of this Act for the payment of the principal sum
named therein in the manner and at the date therein mentioned, so
that the date be not less than three nor more than twelve months 40
from the date of the Bill.

Interest shall be payable in respect of a Metropolitan bill at such rate and in such manner as the Board with the consent of the Treasury may direct. A.D. 1877.

17. All moneys raised by the issue of any Metropolitan bills shall be paid to the Board, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any Metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the consolidated loans fund. Payment of proceeds of Metropolitan bills, and charge of bill on Consolidated rate.

18. With respect to the issue of Metropolitan bills the following provisions shall have effect : Mode of issue of Metropolitan bills.

(1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board and countersigned on behalf of the Treasury :

(2.) Each Metropolitan bill shall be for the amount directed by the Board :

(3.) Each Metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

19. The Board may from time to time with the consent of the Treasury make, and when made rescind, alter, and add to, regulations for carrying into effect the provisions of this Act with respect to Metropolitan bills, and in particular— Regulations to be made by the Board as to issue, cancellation, &c. of Metropolitan bills.

- (1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of Metropolitan bills :
- (2.) For regulating the issue of a new Metropolitan bill in lieu of one defaced, lost, or destroyed :
- (3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to the Metropolitan bills :
- (4.) For the proper discharge to be given upon the payment of a Metropolitan bill :

Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

20. For the purpose of paying off the principal money of any Metropolitan bills the Board may raise any sum which they are by Power to create consolidated

A.D. 1877.

stock partially suspended while Metropolitan bills authorised to be raised.

this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended, not exceeding the amount of such principal money, but save as aforesaid the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of Metropolitan bills. 5

Application to Metropolitan bills of 24 & 25 Vict. c.98. ss.8-11, relating to forgery and other frauds.

21. Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate " and amend the Statute Law of England and Ireland relating to " indictable offences by forgery," (which sections relate to the forgery of and other frauds relating to Exchequer bills,) shall apply to the Metropolitan bills, and shall have effect as if "Exchequer bill " in those sections included "Metropolitan bill." 10 15

Arrangement with bank as to Metropolitan bills.

22. The Board may enter into such arrangements with any bank approved by the Treasury for carrying into effect the provisions of this Act with respect to the issue of Metropolitan bills, and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto, as they may think proper and as may be approved by the Treasury. 20

Alteration of limitation of borrowing power.

23. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act. 25

Repayments to go to consolidated loans fund.

24. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund. 30

As to application of provisions of section 3 of Metropolitan Board of Works (Loans) Act, 1869.

25. The provisions of section three of the Metropolitan Board of Works (Loans) Act, 1869, shall extend and apply to and shall authorise the raising in manner therein mentioned of any money by the Board with the sanction of the Treasury under any powers of borrowing. 35

SCHEDULE.

A.D. 1877.

NEW MONEY POWERS CONFERRED IN THIS ACT.

Section of Act.		Purpose.	Amount.
(a) Supplemental for 1877.			£
5	3	Fire Brigade - - - -	15,000
	4	Loans to vestries and district boards -	50,000
	5	Loans to guardians - - -	80,000
	6	Loans to public bodies - - -	50,000
(b) For 1878.			
10	7	Minor improvements - - - -	100,000
	8	Fire Brigade - - - -	20,000
	9	Street Improvements Act, 1877, and other Acts, viz. :	
15		Street Improvements - 3,712,507	
		Sydenham Recreation Ground 4,500	
		Clapham Common and Bostal	
		Heath - - - - 30,000	
			3,747,007
20	10	Street improvements under Act of 1872 -	60,000
	11	Loans to vestries and district boards -	200,000
	12	Loans to guardians - - -	200,000
	13	Loans to public bodies - - -	50,000
	14	Loans to managers of Metropolitan Asylums District - - - -	50,000
25			£4,622,007

A

B I L L

For further amending the Acts relating
to the raising of money by the Metro-
politan Board of Works; and for other
purposes relating thereto.

*(Prepared and brought in by
Mr. William Henry Smith and
Mr. Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
16 July 1877.*

[Bill 252.]

Under 2 oz.

A

B I L L

TO

Confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common. A.D. 1877.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, duly certified schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, Bostall Heath Common, situate in the county of Kent, and Clapham Common, situate in the county of Surrey :

And whereas the said schemes are set forth in full in the report which was made by the said Inclosure Commissioners for the year ending the thirty-first day of December one thousand eight hundred and seventy-six, and was duly laid before both Houses of Parliament :

And whereas it is by the said Metropolitan Commons Act, 1866, provided that any such scheme shall not of itself have any operation, but shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seems fit :

And whereas it is expedient that the said schemes should be confirmed, subject to certain modifications :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, and with respect to Clapham Common, situate in the county of Surrey, and with respect to Bostall Heath Common, situate in the county of Kent, respectively certified by the Inclosure Commis-

Scheme as to Ealing Commons, Clapham Common, and Bostall Heath Com.

[Bill 142.]

A

A.D. 1877. sioners for England and Wales under their seal on the twenty-seventh day of January one thousand eight hundred and seventy-six, the twenty-fourth day of August one thousand eight hundred and seventy-six, and the twenty-first day of December one thousand eight hundred and seventy-six, shall be modified so as to be in 5 the terms respectively specified in the first, second, and third schedules to this Act, and so modified shall be hereby confirmed.

mon confirmed with modifications.

Short title.

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1877.

SCHEDULES.

FIRST SCHEDULE.

Metropolitan Commons Act, 1866.

SCHEME WITH RESPECT TO EALING COMMONS.

5 1. Ealing Common, Ealing Green, Haven Green, and certain strips of waste,
herein-after called "the Commons," in the county of Middlesex, as the same are
delineated in a plan deposited with the Inclosure Commissioners for England
and Wales, shall henceforth, for all the purposes of this Scheme, be regulated
and managed by the Local Board for the district of Ealing, herein-after termed
10 "the Board."

2. The powers of the Board generally as to appointing or employing officers
and servants, and paying them, under the general Acts applicable to the Board,
shall apply to all such persons as in the judgment of the Board may be necessary
and proper for the preservation of order on and the enforcement of byelaws
15 with respect to the Commons, and otherwise for the purposes of this Scheme;
and the Board may make rules for regulating the duties and conduct of the
several officers and servants so appointed and employed, altering such rules as
occasion may require.

3. The Board may execute any works of drainage and improvement of the
20 Commons so far only as may be required for the purposes of the Metropolitan
Commons Act, and shall preserve the turf and grass, and for this purpose may
inclose by fences for short periods such portions as may require rest to revive
the same, and may plant or otherwise beautify the Commons, and may provide
and place seats for the accommodation of the public in convenient parts of the
25 Commons.

4. The Board shall maintain the Commons, as delineated in the plan de-
posited with the Inclosure Commissioners, free of all encroachment, and shall
permit no trespass on or partial or other inclosure of any part thereof, and no
fences, posts, rails, or other matters or things shall be maintained, fixed, or
30 erected thereon without the consent in writing of the Board.

5. The Board shall frame byelaws and regulations against encroachments,
for the preservation of order on the Commons, for the prevention of nuisances
and the deposit of road-sand, rubbish, or other matter on, and the illegal
taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like
35 from the Commons; also for the regulation of games to be played, and other

A.D. 1877. means of recreation on the Commons; also for the prevention of vehicles being driven, or horses being exercised by grooms and others, on or across the Commons; and for the removal, and apprehension, if necessary, of gamblers, cardsharpers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent and improper language, or any idle or disorderly persons, so that all such persons may be dealt with according to law; provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice to the person committing such offence; and the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by the Local Government Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided that a copy of any such byelaws, signed and certified by the clerk of the Board to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further proof: Provided also, that no such byelaws shall be confirmed, unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application, and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any ratepayer of the said district without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. All byelaws made by the Board in pursuance of this Scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Commons (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme or any byelaw made under this Scheme may be recovered, together with the costs of the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Public Health Act, 1875, and the Acts incorporated therewith and amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board and notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the

penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme. A.D. 1877.

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay
5 any sewer, drain, pipe, waterway, or other matter of like nature in, into, or under any part or parts of the Commons.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Commons for grazing any cattle, sheep, or other animal.

10 10. The Board may have power to apply at any time for an amended scheme or for a new scheme.

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Commons under the care of the Board, if the Board has not otherwise the care of the said roads or highways.

15 12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times, shall be contributed by the Board as expenses incurred in the execution of the Public Health Act, 1875, and the Acts incorporated therewith.

13. No proceeding touching the conviction of any offender under this Scheme,
20 nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

14. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates,
25 interests, or rights of a profitable or beneficial nature in, over, or affecting the Commons, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

15. The lords of the manor of Ealing claim the soil and freehold of the
30 Commons and the minerals under the same. The owners and occupiers of lands and tenements within the manor claim rights of common of pasturage over the Commons.

This Scheme affects the rights over the Commons so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this
35 Scheme. The lords of the manor and others who claim rights over the Commons assent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the rights of the lords of the manor to the gravel, mines, and minerals in and under the Commons, and so that in the event of any parts of the Commons being required by any
40 railway company or any other public company or body under any legislative compulsory powers, but not otherwise, for the purposes of their undertaking, the lords of the manor shall be entitled to receive the same amount of purchase money or compensation money for the same as they would have been entitled to claim or receive in case this Scheme had not been made.

A.D. 1877. 16. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 6d. each.

SECOND SCHEDULE.

*Metropolitan Commons Act, 1866, and Metropolitan Commons
Amendment Act, 1869.* 5

SCHEME WITH RESPECT TO CLAPHAM COMMON.

WHEREAS by an agreement dated the 5th day of January 1875, and made between Richard Boswell Beddome and twenty-five others, therein designated "the surviving lessees," of the one part, and the Metropolitan Board of Works 10 of the other part, after reciting that by an indenture bearing date the 29th day of February 1864, and made between Henry Atkins Bowyer, since deceased, lord of the manor of Clapham, of the one part, and certain persons therein described, and herein-after designated "the lessees," of the other part, in consideration of the yearly rent and the lessees covenants therein reserved and 15 contained, the said Henry Atkins Bowyer, as lord of the said manor, demised unto the lessees the open and unenclosed waste lands commonly known as Clapham Common, to hold unto the lessees, or such of them as should so long live, for the term of 21 years from the 25th day of March 1864, to the intent that they might preserve and improve the same; and that the surviving lessees 20 represented to the said Board that it was expedient that Clapham Common (including under that term not only the premises comprised in the said recited indenture, but also certain common or waste land within the manor of Battersea and Wandsworth, and formerly known as Battersea East Common, but which for many years past has formed part of what is known as Clapham Common,) 25 should be under the management of the said Board, and that it was desirable steps should be taken by the said Board to secure the entire Common, so that the same might be preserved for ever as an open and unenclosed space for the benefit of the public, and that the said Board, acting upon such representation, had entered into an agreement (as herein-after mentioned) with the lords of the 30 respective manors for the purchase of the said Common; it is by the agreement now in recital agreed between the parties thereto, that in the event of a Scheme under the Metropolitan Commons Act embracing the entire Common being confirmed by Parliament in the session (now past) of 1874 or that of 1875, the surviving lessees will, without the payment to them of any purchase money 35

or compensation, surrender or assign to the said Board the premises demised by the said lease, and all the estate and interest of the surviving lessees under the same. A.D. 1877.

And whereas by another agreement, also dated the 5th day of January 1875, and made between the Right Honourable John Poyntz, Earl Spencer, K.G., herein-after called "the said Earl," of the first part, Sir George Bowyer, of Radley Park, in the county of Berks, Baronet, M.P., and Charles Sawyer, the younger, of No. 25, Queen's Gate Terrace, South Kensington, in the county of Middlesex, a colonel in Her Majesty's army (trustees of the will of Henry Atkins Bowyer, deceased), herein-after called "the said trustees," of the second part, Henry Atkins Bowyer, of Steeple Aston, in the county of Oxford, Esquire, (tenant for life of the estates devised and settled by the said will of the said Henry Atkins Bowyer, deceased,) of the third part, and the Metropolitan Board of Works, herein-after called "the Board," of the fourth part, the said Earl, as lord of the manor of Battersea and Wandsworth, as to the hereditaments firstly herein-after described, and the said trustees as lords of the manor of Clapham, as to the hereditaments secondly herein-after described, and with the consent of the said Henry Atkins Bowyer, agreed to sell, and the Board agreed to purchase, at or for the price or sum of 18,000*l.*, the fee simple of and in, firstly, all that part of Clapham Common which is situate in the parish of Battersea, and within the said manor of Battersea and Wandsworth, and secondly, all those the remaining portions of Clapham Common which are situated in the parish of Clapham and within the manor of Clapham, the said purchase-money of 18,000*l.* to be considered as apportioned as follows, viz., 10,000*l.* for the hereditaments firstly herein-before described, and 8,000*l.* for the hereditaments secondly herein-before described, which said agreement now in recital is subject to the same being embodied in a scheme under the Metropolitan Commons Act, and was and is to be void in the event of such a scheme not receiving the sanction of Parliament during the session of 1874 or that of 1875; and the hereditaments agreed to be sold are to be sold subject to all such rights of common, commonable rights, rights of way and water, as any person or persons (other than the parties thereto of the first, second, and third parts, or persons claiming through, under, or for them, or any of them, or through or under the said Henry Atkins Bowyer, deceased, except the lessees or tenants under the lease dated the 29th day of February 1864, herein-before mentioned,) may have in the said hereditaments, or any part thereof, and also subject as regards the hereditaments secondly herein-before described to the herein-before mentioned lease thereof (except a small portion thereof situate at the back of the Rookery used as a laystall), dated the 29th day of February 1864, and to a lease of the said land used as a laystall, dated the 1st day of June 1864, made between the said Henry Atkins Bowyer, deceased, of the one part, and the Board of Works for the Wandsworth district, in the county of Surrey, of the other part; and it is also agreed that the Board shall pay the costs incurred by the said Earl and the said trustees of and incidental to the agreement and the carrying the same into execution.

And whereas the hereditaments herein-before described, and commonly known

A.D. 1877. as Clapham Common, are delineated in a plan deposited with the Inclosure Commissioners for England and Wales.

And whereas it is intended that the Board shall carry into effect the said agreements, both dated the 5th day of January 1875, and shall accept a surrender of the premises demised by the herein-before firstly recited agreement, and shall take a conveyance or conveyances to the Board of the hereditaments agreed to be sold under the herein-before secondly recited agreement, and shall acquire all such estates, interests, and rights of a profitable or beneficial nature in, over, or affecting the Common herein-after defined, as they might think it expedient to acquire, making or providing compensation for the same (if necessary) as provided by the 15th section of the Metropolitan Commons Act, 1866.

And whereas by an agreement, dated the 22nd day of December 1875, and made between the several parties to the herein-before firstly recited agreement, it is agreed that the said herein-before firstly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "session of 1875 or 1876."

And whereas by another agreement, also dated the 22nd day of December 1875, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875 and 1876;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876;" and if in clause 14, instead of the words and figures "sessions of 1874 or 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876."

And whereas by an agreement, dated the 1st day of June 1876, and made between the several parties to the herein-before firstly recited agreement, it is agreed that the said herein-before firstly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if, in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "sessions of 1875, 1876, or 1877."

And whereas by another agreement, also dated the 1st day of June 1876, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would

A.D. 1877

have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875, 1876, and 1877;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had
5 originally been written the words and figures "session of 1875, 1876, and 1877;" and if in clause 14, instead of the words and figures "session of 1874 or 1875," there were and had originally been written the words and figures "session of 1875, 1876, or 1877."

Now it is proposed and provided as follows :

10 1. From and after the completion of the said surrender and the said purchase, the Commons or waste lands delineated in the said plan (in this Scheme referred to as "the Common") shall be and are hereby dedicated to and for the use and recreation of the public as an open and unenclosed space for ever, and shall for the purposes of this Scheme be regulated and managed by the Board;
15 provided that if the said surrender and the said purchase be not completed within three years from the date of the confirmation of this Scheme by Parliament, this Scheme shall be void.

2. The powers of the Board generally as to appointing or employing officers and servants and paying them, under the general Acts applicable to the Board,
20 shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of bye-laws with respect to the Common, and otherwise for the purposes of this Scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such
25 rules as occasion may require.

3. The Board may drain, plant, ornament, and improve the Common as may be necessary, and, for the purpose of preserving the turf and grass, may enclose by fences for short periods such portions as may require rest to revive the same. No house or any other building shall be erected on the Common, except such
30 lodges or other buildings as may be necessary for the maintenance or management of the said Common. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the said Common.

4. The Board shall maintain the Common, as delineated in the plan deposited
35 with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure thereof; and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

5. The Board shall frame byelaws and regulations for the prevention of
40 nuisances and the preservation of order on the Common, and particularly for preventing the deposit of rubbish on, and the illegal taking, cutting, felling, and sale of turf, sods, bog-earth, gravel, sand, loam, clay, gorse, furze, fern, brushwood, trees, and the like from the Common, and regulating the user of the Common, or any parts or part thereof, for the exercise of horses thereon or for
45 riding purposes, also for the regulation of bathing in the several ponds on the

A.D. 1877. Common; provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of 5*l.* for each offence, and in case of a continuing offence a further penalty not exceeding the sum of 40*s.* for each day after written notice of the offence; and the Board may alter or repeal any such byelaws, and may make any such other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme; and no such byelaws shall, as against any person entitled to any estate, interest, or right of a profitable or beneficial nature in, over, or affecting the Common, which shall not be purchased or acquired by the Board under this scheme, operate or be construed so as to take away or injuriously affect such estate, interest, or right; and no such byelaws shall be of any force or effect unless and until the same be submitted to and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper; provided that any certificate of confirmation purporting to be signed by the First Commissioner of Works for the time being shall be *prima facie* evidence of such confirmation in all courts and places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily newspapers one calendar month at least before the making of such application; and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or of any part thereof, on payment of 6*d.* for every 100 words contained in such copy.

6. All byelaws made by the Board in pursuance of this scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Common (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme, or any byelaw made under this Scheme, may be recovered, together with the costs of proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board, and notwithstanding anything contained in any Act relating to the metropolitan police courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. The Board may set apart any portion or portions of the Common as they may consider expedient for cricket or other games.

9. The Board shall be at liberty to receive and apply for the purposes of

this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands. A.D. 1877.

10. The purchase and other moneys which shall become payable under the said recited agreements, and all expenses which have been already incurred by the Board in relation to this Scheme and the memorial for a Scheme, and all costs and expenses which shall hereafter be incurred by the Board in or about the execution of this Scheme, including any other compensation (if any) to be paid in pursuance thereof, shall be contributed by the Board as expenses incurred in the execution of the Metropolitan Management Acts.
11. Except for those persons who now by law are entitled to do so, and whose rights shall not be acquired by the Board under the said agreements, or shall not be purchased or acquired by the Board under this Scheme, it shall not be lawful to turn out on the Common for grazing any cattle, sheep, or other animal.
12. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.
13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or right of a profitable or beneficial nature in, over, or affecting the Common, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament, except only so far as any such estates, interests, or rights are or shall be acquired by the Board under the agreements herein-before recited, or either of them, or shall be acquired by the Board by consent or by purchase, whether by agreement or compulsorily.
14. The copyhold tenants of the manor of Battersea and certain freehold tenants of the manor of Clapham claim rights of common of pasture over the common. The claimants consent to the Scheme.
15. This Scheme affects the several estates, interests, and rights in, over, and upon the Common, and not included in the said agreements, by conferring on the Board power to purchase the same, or any of them, with the view to their absolute extinction.
16. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 2s. 6d. each.

A.D. 1877.

THIRD SCHEDULE.

Metropolitan Commons Acts, 1866 and 1869.

SCHEME WITH RESPECT TO BOSTALL HEATH.

1. Bostall Heath, herein-after called "the Heath," in the county of Kent, as the same is delineated in a plan deposited with the Inclosure Commissioners for England and Wales, shall henceforth, for all the purposes of this Scheme, be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board." 5
2. The powers of the Board generally as to appointing or employing officers and servants and paying them, under the general Acts applicable to the Board, shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the Heath, and otherwise for the purposes of this Scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require. 10 15
3. The Board may execute any works of drainage and improvement of the Heath so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Heath, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Heath. 20
4. The Board shall maintain the Heath, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board. 25
5. The Board shall frame byelaws and regulations against encroachments, for the preservation of order on the Heath, for the prevention of nuisances and the deposit of road-sand, rubbish, or other matter on and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Heath; also for the control of persons who let out for hire donkeys and other animals; also for the prevention of vehicles being driven or horses being exercised by grooms and others on or across the Heath, and to remove and apprehend if necessary, gamblers, cardsharps, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly persons, or any person erecting any booth or place of any kind without the consent of the Board, so that all 30 35 40

A.D. 1877.

such persons may be dealt with according to law: Provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice to the person committing such offence; and the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper; provided that any certificate of such confirmation purporting to be signed by the First Commissioner of Works for the time being shall be *prima facie* evidence of such confirmation in all courts of justice and other places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application; and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. All byelaws made by the Board in pursuance of this Scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Heath (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme or any byelaw made under this Scheme may be recovered, together with the costs of the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Local Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board, and notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature in, into, or under any part or parts of the Heath.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Heath for grazing any cattle, sheep, or other animal.

A.D. 1877. 10. The Board may have power to apply at any time for an amended Scheme or for a new Scheme.

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Heath under the care of the Board, or shall prevent the Board of Works for the Plumstead district, by their officers 5 and servants, taking such portions of the Heath as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said Board or any other person or persons to make or form any new roads over and across the Heath without the consent in writing of the Board. 10

12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times shall be contributed by the Board as expenses incurred in the execution of the Metropolis Management Acts.

13. The Board shall be at liberty to receive and apply for the purposes of 15 this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

14. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, 20 quashed, or set aside for want of form.

15. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Heath, or any part thereof, as they or any of them had before the confirmation 25 of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

16. The lords of the manor of Plumstead claim the soil and freehold of the Heath and the minerals under the same. The freehold tenants of the manor claim certain rights of common of pasture and of cutting turf, furze, gorse, 30 and fern over and upon the Heath.

This Scheme affects the rights over the Heath, so claimed as aforesaid, only so far as is absolutely necessary for the purposes contemplated by this Scheme. The lords of the manor and others who claim rights over the Heath do not assent to their rights being affected in the manner and to the extent herein 35 expressed.

17. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 6d. each.

Metropolitan Commons Provisional Order.

A

B I L L

To confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common.

(*Prepared and brought in by
Sir Henry Selwin-Ibbetson and
Mr. Secretary Cross.*)

*Ordered, by The House of Commons, to be Printed,
19 April 1877.*

[Bill 142.]

Under 2 oz.

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common. A.D. 1877.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, duly certified schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, Bostall Heath Common, situate in the county of Kent, and Clapham Common, situate in the county of Surrey :

And whereas the said schemes are set forth in full in the report which was made by the said Inclosure Commissioners for the year ending the thirty-first day of December one thousand eight hundred and seventy-six, and was duly laid before both Houses of Parliament :

And whereas it is by the said Metropolitan Commons Act, 1866, provided that any such scheme shall not of itself have any operation, but shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seems fit :

And whereas it is expedient that the said schemes should be confirmed, subject to certain modifications :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, and with respect to Clapham Common, situate in the county of Surrey, and with respect to Bostall Heath Common, situate in the county of Kent, respectively certified by the Inclosure Commis-

Scheme as to Ealing Commons, Clapham Common, and Bostall Heath Com-

[Bill 180.]

A

A.D. 1877.
mon con-
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tions.

sioners for England and Wales under their seal on the twenty-seventh day of January one thousand eight hundred and seventy-six, the twenty-fourth day of August one thousand eight hundred and seventy-six, and the twenty-first day of December one thousand eight hundred and seventy-six, shall be modified so as to be in 5 the terms respectively specified in the first, second, and third schedules to this Act, and so modified shall be hereby confirmed.

Short title.

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1877.

SCHEDULES.

FIRST SCHEDULE.

Metropolitan Commons Act, 1866.

SCHEME WITH RESPECT TO EALING COMMONS.

5 1. Ealing Common, Ealing Green, Haven Green, and certain strips of waste, herein-after called "the Commons," in the county of Middlesex, as the same are delineated in a plan deposited with the Inclosure Commissioners for England and Wales, shall henceforth, for all the purposes of this Scheme, be regulated and managed by the Local Board for the district of Ealing, herein-after termed
10 "the Board."

2. The powers of the Board generally as to appointing or employing officers and servants, and paying them, under the general Acts applicable to the Board, shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of byelaws
15 with respect to the Commons, and otherwise for the purposes of this Scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require.

3. The Board may execute any works of drainage and improvement of the
20 Commons so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and may plant or otherwise beautify the Commons, and may provide and place seats for the accommodation of the public in convenient parts of the
25 Commons.

4. The Board shall maintain the Commons, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or
30 erected thereon without the consent in writing of the Board.

5. The Board shall frame byelaws and regulations against encroachments, for the preservation of order on the Commons, for the prevention of nuisances and the deposit of road-sand, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like
35 from the Commons; also for the regulation of games to be played, and other

A.D. 1877.

means of recreation on the Commons; also for the prevention of vehicles being driven, or horses being exercised by grooms and others, on or across the Commons; and for the removal, and apprehension, if necessary, of gamblers, cardsharppers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, 5 or quarrelling, or using indecent and improper language, or any idle or disorderly persons, so that all such persons may be dealt with according to law; provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding 10 the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice to the person committing such offence; and the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any 15 penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by the Local Government Board, who are hereby empowered to 20 confirm or disallow the same as they may think proper: Provided that a copy of any such byelaws, signed and certified by the clerk of the Board to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further proof: Provided also, that no such byelaws 25 shall be confirmed, unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application, and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during 30 office hours thereat to the inspection of any ratepayer of the said district without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy. 35

6. All byelaws made by the Board in pursuance of this Scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Commons (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme or any byelaw made under this Scheme may be recovered, together with the costs of 40 the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Public Health Act, 1875, and the Acts incorporated therewith and amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board and notwithstanding 45 anything contained in any Act relating to the Metropolitan Police Courts, the

penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme. A.D. 1877.

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay
5 any sewer, drain, pipe, waterway, or other matter of like nature in, into, or under any part or parts of the Commons.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Commons for grazing any cattle, sheep, or other animal.

10. The Board may have power to apply at any time for an amended scheme or for a new scheme.

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Commons under the care of the Board, if the Board has not otherwise the care of the said roads or highways.

12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times, shall be contributed by the Board as expenses incurred in the execution of the Public Health Act, 1875, and the Acts incorporated therewith.

13. No proceeding touching the conviction of any offender under this Scheme,
20 nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.

14. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates,
25 interests, or rights of a profitable or beneficial nature in, over, or affecting the Commons, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

15. The lords of the manor of Ealing claim the soil and freehold of the
30 Commons and the minerals under the same. The owners and occupiers of lands and tenements within the manor claim rights of common of pasturage over the Commons.

This Scheme affects the rights over the Commons so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this
35 Scheme. The lords of the manor and others who claim rights over the Commons assent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the rights of the lords of the manor to the gravel, mines, and minerals in and under the Commons, and so that in the event of any parts of the Commons being required by any
40 railway company or any other public company or body under any legislative compulsory powers, but not otherwise, for the purposes of their undertaking, the lords of the manor shall be entitled to receive the same amount of purchase money or compensation money for the same as they would have been entitled to claim or receive in case this Scheme had not been made.

A.D. 1877. 16. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 6d. each.

SECOND SCHEDULE.

*Metropolitan Commons Act, 1866, and Metropolitan Commons
Amendment Act, 1869.* 5

SCHEME WITH RESPECT TO CLAPHAM COMMON.

WHEREAS by an agreement dated the 5th day of January 1875, and made between Richard Boswell Beddome and twenty-five others, therein designated "the surviving lessees," of the one part, and the Metropolitan Board of Works 10 of the other part, after reciting that by an indenture bearing date the 29th day of February 1864, and made between Henry Atkins Bowyer, since deceased, lord of the manor of Clapham, of the one part, and certain persons therein described, and herein-after designated "the lessees," of the other part, in consideration of the yearly rent and the lessees covenants therein reserved and 15 contained, the said Henry Atkins Bowyer, as lord of the said manor, demised unto the lessees the open and unenclosed waste lands commonly known as Clapham Common, to hold unto the lessees, or such of them as should so long live, for the term of 21 years from the 25th day of March 1864, to the intent that they might preserve and improve the same; and that the surviving lessees 20 represented to the said Board that it was expedient that Clapham Common (including under that term not only the premises comprised in the said recited indenture, but also certain common or waste land within the manor of Battersea and Wandsworth, and formerly known as Battersea East Common, but which for many years past has formed part of what is known as Clapham Common,) 25 should be under the management of the said Board, and that it was desirable steps should be taken by the said Board to secure the entire Common, so that the same might be preserved for ever as an open and unenclosed space for the benefit of the public, and that the said Board, acting upon such representation, had entered into an agreement (as herein-after mentioned) with the lords of the 30 respective manors for the purchase of the said Common; it is by the agreement now in recital agreed between the parties thereto, that in the event of a Scheme under the Metropolitan Commons Act embracing the entire Common being confirmed by Parliament in the session (now past) of 1874 or that of 1875, the surviving lessees will, without the payment to them of any purchase money 35

or compensation, surrender or assign to the said Board the premises demised by the said lease, and all the estate and interest of the surviving lessees under the same. A.D. 1877.

And whereas by another agreement, also dated the 5th day of January 1875, and made between the Right Honourable John Poyntz, Earl Spencer, K.G., herein-after called "the said Earl," of the first part, Sir George Bowyer, of Radley Park, in the county of Berks, Baronet, M.P., and Charles Sawyer, the younger, of No. 25, Queen's Gate Terrace, South Kensington, in the county of Middlesex, a colonel in Her Majesty's army (trustees of the will of Henry Atkins Bowyer, deceased), herein-after called "the said trustees," of the second part, Henry Atkins Bowyer, of Steeple Aston, in the county of Oxford, Esquire, (tenant for life of the estates devised and settled by the said will of the said Henry Atkins Bowyer, deceased,) of the third part, and the Metropolitan Board of Works, herein-after called "the Board," of the fourth part, the said Earl, as lord of the manor of Battersea and Wandsworth, as to the hereditaments firstly herein-after described, and the said trustees as lords of the manor of Clapham, as to the hereditaments secondly herein-after described, and with the consent of the said Henry Atkins Bowyer, agreed to sell, and the Board agreed to purchase, at or for the price or sum of 18,000*l.*, the fee simple of and in, firstly, all that part of Clapham Common which is situate in the parish of Battersea, and within the said manor of Battersea and Wandsworth, and secondly, all those the remaining portions of Clapham Common which are situated in the parish of Clapham and within the manor of Clapham, the said purchase-money of 18,000*l.* to be considered as apportioned as follows, viz., 10,000*l.* for the hereditaments firstly herein-before described, and 8,000*l.* for the hereditaments secondly herein-before described, which said agreement now in recital is subject to the same being embodied in a scheme under the Metropolitan Commons Act, and was and is to be void in the event of such a scheme not receiving the sanction of Parliament during the session of 1874 or that of 1875; and the hereditaments agreed to be sold are to be sold subject to all such rights of common, commonable rights, rights of way and water, as any person or persons (other than the parties thereto of the first, second, and third parts, or persons claiming through, under, or for them, or any of them, or through or under the said Henry Atkins Bowyer, deceased, except the lessees or tenants under the lease dated the 29th day of February 1864, herein-before mentioned,) may have in the said hereditaments, or any part thereof, and also subject as regards the hereditaments secondly herein-before described to the herein-before mentioned lease thereof (except a small portion thereof situate at the back of the Rookery used as a laystall), dated the 29th day of February 1864, and to a lease of the said land used as a laystall, dated the 1st day of June 1864, made between the said Henry Atkins Bowyer, deceased, of the one part, and the Board of Works for the Wandsworth district, in the county of Surrey, of the other part; and it is also agreed that the Board shall pay the costs incurred by the said Earl and the said trustees of and incidental to the agreement and the carrying the same into execution.

And whereas the hereditaments herein-before described, and commonly known

A.D. 1877. as Clapham Common, are delineated in a plan deposited with the Inclosure Commissioners for England and Wales.

And whereas it is intended that the Board shall carry into effect the said agreements, both dated the 5th day of January 1875, and shall accept a surrender of the premises demised by the herein-before firstly recited agree- 5
ment, and shall take a conveyance or conveyances to the Board of the hereditaments agreed to be sold under the herein-before secondly recited agreement, and shall acquire all such estates, interests, and rights of a profitable or beneficial nature in, over, or affecting the Common herein-after defined, as they might think it expedient to acquire, making or providing 10
compensation for the same (if necessary) as provided by the 15th section of the Metropolitan Commons Act, 1866.

And whereas by an agreement, dated the 22nd day of December 1875, and made between the several parties to the herein-before firstly recited agreement, it is agreed that the said herein-before firstly recited agreement shall be read 15
and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "session of 1875 or 1876." 20

And whereas by another agreement, also dated the 22nd day of December 1875, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would 25
have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875 and 1876;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876;" and if in 30
clause 14, instead of the words and figures "sessions of 1874 or 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876."

And whereas by an agreement, dated the 1st day of June 1876, and made between the several parties to the herein-before firstly recited agreement, it is 35
agreed that the said herein-before firstly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if, in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written 40
the words and figures "sessions of 1875, 1876, or 1877."

And whereas by another agreement, also dated the 1st day of June 1876, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement shall be read and construed in the same manner as it would have been read and 45
construed, and have the same operation, force, effect, and validity as it would

have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875, 1876, and 1877;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had
5 originally been written the words and figures "session of 1875, 1876, and 1877;" and if in clause 14, instead of the words and figures "session of 1874 or 1875," there were and had originally been written the words and figures "session of 1875, 1876, or 1877."

Now it is proposed and provided as follows :

10 1. From and after the completion of the said surrender and the said purchase, the Commons or waste lands delineated in the said plan (in this Scheme referred to as "the Common") shall be and are hereby dedicated to and for the use and recreation of the public as an open and unenclosed space for ever, and shall for the purposes of this Scheme be regulated and managed by the Board;
15 provided that if the said surrender and the said purchase be not completed within three years from the date of the confirmation of this Scheme by Parliament, this Scheme shall be void.

2. The powers of the Board generally as to appointing or employing officers and servants and paying them, under the general Acts applicable to the Board,
20 shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of bye-laws with respect to the Common, and otherwise for the purposes of this Scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such
25 rules as occasion may require.

3. The Board may drain, plant, ornament, and improve the Common as may be necessary, and, for the purpose of preserving the turf and grass, may enclose by fences for short periods such portions as may require rest to revive the same. No house or any other building shall be erected on the Common, except such
30 lodges or other buildings as may be necessary for the maintenance or management of the said Common. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the said Common.

4. The Board shall maintain the Common, as delineated in the plan deposited
35 with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure thereof; and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

5. The Board shall frame byelaws and regulations for the prevention of
40 nuisances and the preservation of order on the Common, and particularly for preventing the deposit of rubbish on, and the illegal taking, cutting, felling, and sale of turf, sods, bog-earth, gravel, sand, loam, clay, gorse, furze, fern, brushwood, trees, and the like from the Common, and regulating the user of the Common, or any parts or part thereof, for the exercise of horses thereon or for
45 riding purposes, also for the regulation of bathing in the several ponds on the

A.D. 1877. Common; provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of 5*l.* for each offence, and in case of a continuing offence a further penalty not exceeding the sum of 40*s.* for each day after written notice 5 of the offence; and the Board may alter or repeal any such byelaws, and may make any such other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of 10 England or the provisions of this Scheme; and no such byelaws shall, as against any person entitled to any estate, interest, or right of a profitable or beneficial nature in, over, or affecting the Common, which shall not be purchased or acquired by the Board under this scheme, operate or be construed so as to take away or injuriously affect such estate, interest, or right; and no such byelaws 15 shall be of any force or effect unless and until the same be submitted to and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper; provided that any certificate of confirmation purporting to be signed by the First Commissioner of Works for the time being shall be *primâ facie* 20 evidence of such confirmation in all courts and places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily newspapers one calendar month at least before the making of such application; and for one calendar month at least before any such appli- 25 cation a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or of any part thereof, on payment of 6*d.* for every 100 words contained in such copy. 30

6. All byelaws made by the Board in pursuance of this scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Common (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme, or any byelaw made under this Scheme, may be recovered, together with the costs of 35 proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board, and notwithstanding anything contained in any Act 40 relating to the metropolitan police courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. The Board may set apart any portion or portions of the Common as they may consider expedient for cricket or other games.

9. The Board shall be at liberty to receive and apply for the purposes of 45

this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands. A.D. 1877.

10. The purchase and other moneys which shall become payable under the said recited agreements, and all expenses which have been already incurred by the Board in relation to this Scheme and the memorial for a Scheme, and all costs and expenses which shall hereafter be incurred by the Board in or about the execution of this Scheme, including any other compensation (if any) to be paid in pursuance thereof, shall be contributed by the Board as expenses incurred in the execution of the Metropolis Management Acts.
11. Except for those persons who now by law are entitled to do so, and whose rights shall not be acquired by the Board under the said agreements, or shall not be purchased or acquired by the Board under this Scheme, it shall not be lawful to turn out on the Common for grazing any cattle, sheep, or other animal.
12. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, quashed, or set aside for want of form.
13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or right of a profitable or beneficial nature in, over, or affecting the Common, or any part thereof, as they or any of them had before the confirmation of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament, except only so far as any such estates, interests, or rights are or shall be acquired by the Board under the agreements herein-before recited, or either of them, or shall be acquired by the Board by consent or by purchase, whether by agreement or compulsorily.
14. The copyhold tenants of the manor of Battersea and certain freehold tenants of the manor of Clapham claim rights of common of pasture over the common. The claimants consent to the Scheme.
15. This Scheme affects the several estates, interests, and rights in, over, and upon the Common, and not included in the said agreements, by conferring on the Board power to purchase the same, or any of them, with the view to their absolute extinction.
16. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 2s. 6d. each.

A.D. 1877.

THIRD SCHEDULE.

Metropolitan Commons Acts, 1866 and 1869.

SCHEME WITH RESPECT TO BOSTALL HEATH.

1. Bostall Heath, herein-after called "the Heath," in the county of Kent, as the same is delineated in a plan deposited with the Inclosure Commissioners for England and Wales, shall henceforth, for all the purposes of this Scheme, be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board."

2. The powers of the Board generally as to appointing or employing officers and servants and paying them, under the general Acts applicable to the Board, shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the Heath, and otherwise for the purposes of this Scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require.

3. The Board may execute any works of drainage and improvement of the Heath so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Heath, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Heath.

4. The Board shall maintain the Heath, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

5. The Board shall frame byelaws and regulations against encroachments, for the preservation of order on the Heath, for the prevention of nuisances and the deposit of road-sand, rubbish, or other matter on and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Heath; also for the control of persons who let out for hire donkeys and other animals; also for the prevention of vehicles being driven or horses being exercised by grooms and others on or across the Heath, and to remove and apprehend if necessary, gamblers, cardsharps, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly persons, or any person erecting any booth or place of any kind without the consent of the Board, so that all

such persons may be dealt with according to law: Provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice to the person committing such offence; and the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Scheme, and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper; provided that any certificate of such confirmation purporting to be signed by the First Commissioner of Works for the time being shall be *primâ facie* evidence of such confirmation in all courts of justice and other places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application; and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. All byelaws made by the Board in pursuance of this Scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Heath (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this Scheme or any byelaw made under this Scheme may be recovered, together with the costs of the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Local Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this Scheme or any byelaw made under this Scheme shall be had or taken by the Board, and notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature in, into, or under any part or parts of the Heath.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Heath for grazing any cattle, sheep, or other animal.

A.D. 1877. 10. The Board may have power to apply at any time for an amended Scheme or for a new Scheme.

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Heath under the care of the Board, or shall prevent the Board of Works for the Plumstead district, by their officers 5 and servants, taking such portions of the Heath as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said Board or any other person or persons to make or form any new roads over and across the Heath without the consent in writing of the Board. 10

12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times shall be contributed by the Board as expenses incurred in the execution of the Metropolis Management Acts.

13. The Board shall be at liberty to receive and apply for the purposes of 15 this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

14. No proceeding touching the conviction of any offender under this Scheme, nor any order or other matter or thing whatsoever made, done, or transacted in or relating to the execution of this Scheme, shall be vacated, 20 quashed, or set aside for want of form.

15. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the Heath, or any part thereof, as they or any of them had before the confirmation 25 of this Scheme by Act of Parliament, or could or might have enjoyed if this Scheme had not been confirmed by Act of Parliament.

16. The Board shall, within twelve months after the passing of this Act, and before any action is taken under this Scheme, prepare a plan for laying out the said Heath or Common, and they shall compensate the lords of the manor and 30 any persons entitled thereto for any estate, interest, or right which may be taken away or injuriously affected by the carrying out of such plan and Scheme, such compensation shall in case of difference be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or injuriously affecting lands under the provisions of the Lands Clauses 35 Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860.

17. The lords of the manor of Plumstead claim the soil and freehold of the Heath and the minerals under the same. The freehold tenants of the manor claim certain rights of common of pasture and of cutting turf, furze, gorse, 40 and fern over and upon the Heath.

18. Printed copies of this Scheme shall at all times be sold at the office of the Board, to all persons desiring to buy the same, at a price not exceeding 6*d.* each.

Metropolitan Commons Provisional Order.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common.

*(Prepared and brought in by
Sir Henry Selwin-Ibbetson and
Mr. Secretary Cross.)*

*Ordered, by The House of Commons, to be Printed,
4 June 1877.*

[Bill 180.]

Under 2 oz.

LORDS AMENDMENT

TO THE

METROPOLITAN COMMONS PROVISIONAL
ORDER BILL.

Note.—*The page and line refer to the Bill (111.) as first printed
by the Lords.*

Page 14.

Third schedule, line 28, leave out paragraph 16. and insert :

The compensation the Board shall pay to the Provost and Scholars of Queen's College, Oxford, lords of the manor of Plumstead in which the Heath is situate, shall be the sum of five thousand five hundred pounds in full satisfaction for the whole of the manorial estate and interest in the Heath, including all timber, trees, and minerals on and under the same, such sum to bear interest at five pounds per cent. as from the twenty-fifth day of December one thousand eight hundred and seventy-seven. The lords shall make out their title to the manor in the usual way. On payment of the said compensation and satisfaction the college shall execute a proper conveyance to the Board of all such estate and interest as herein-before mentioned, and such conveyance shall be effectual for all the purposes of this scheme to vest in the Board the freehold and fee simple of the Heath, free from all incumbrances (if any) created by the college excepting only the rights (if any) of the freehold tenants of the manor.

LOARDS AMENDMENT

TO THE

METROPOLITAN COMMONS
PROVISIONAL ORDER BILL.

*Ordered, by The House of Commons, to be Printed,
21 July 1877.*

[Bill 261.]

Under 1 oz.

A
B I L L

FOR

Appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for other purposes connected therewith. A.D. 1877.

WHEREAS it is expedient that inquiry be made, under the authority of Parliament, respecting the increase and character of monastic and conventual institutions in Great Britain, and respecting their property and income, and matters connected therewith:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

10 1. This Act may be cited as The Monastic and Conventual Institutions Act, 1877. Short title.

2. *Seven* persons, appointed as in this Act provided, shall be Commissioners to inquire— Objects of inquiry.

15 (a.) Into the numbers, at the passing of this Act and from time to time since the beginning of the present century, and the respective situations and character, of monastic and conventual institutions in Great Britain, whether having, wholly or in part, educational objects or not:

20 (b.) Into the property or income held by or for those institutions, and the conditions on which the same is held; and whether the mode of acquisition and the holding thereof, or the purposes for which the same is held, are in contravention of the principle of the law against superstitious uses, or of the law of mortmain, or of the law relating to charities:

25 (c.) What regulations are needed with respect to convents in Great Britain.

3. The Commissioners shall be appointed as follows (namely); one by the Lord Chancellor of Great Britain, one by the Speaker Appoint-
ment of Com-
missioners.
[Bill 52.]

A.D. 1877.

— of the House of Commons, one by the Lord Chief Justice of England, two by the Roman Catholic Poor Schools Committee, one by the Charity Commissioners for England and Wales, and one by the Commissioners in Lunacy.

Any vacancy caused by death, resignation, or otherwise in the office of Commissioner shall be filled by the appointment of another person to be a Commissioner by the authority by whom the vacating Commissioner was appointed. 5

Each appointment of a Commissioner shall be certified in writing by the authority appointing, in the first instance to the Lord Chancellor, and afterwards to the Secretary of the Commissioners. 10

The Commissioners for the time being are in this Act referred to as the Commissioners.

The powers of this Act may be exercised by any or more of the Commissioners, and notwithstanding any vacancy in their number. 15

Authority of
Commis-
sioners.

4. The Commissioners shall have, for the purposes of this Act, all such powers, rights, and privileges as are vested in Her Majesty's High Court of Justice in England, or in any judge thereof, or in the Court of Session in Scotland or in any judge thereof, on the occasion of any action, suit, or proceeding, in respect of the following matters— 20

(a.) The enforcing the attendance of witnesses, and examining them on oath, affirmation, or otherwise:

(b.) The compelling the production of documents: 25

(c.) The punishing persons guilty of contempt.

For those purposes a summons of the Commissioners shall be equivalent to any form of process issueable in an action, suit, or proceeding in that respective court; and proceedings before the Commissioners shall be deemed judicial proceedings. 30

All constables and other peace officers, and keepers of prisons, and other public officers, shall obey and execute the orders and warrants of the Commissioners, and assist the Commissioners in the execution of their office.

The Commissioners individually shall have the like protection and privileges as justices of the peace acting in execution of their office. 35

Evidence not
to be avail-
able else-
where.

Power for
superior
court, &c.
to discharge

5. Evidence taken under this Act shall not be admissible as evidence in any other proceeding whatever.

6. Her Majesty's High Court of Justice in England, or in vacation a judge thereof, or the Court of Session in Scotland, or in vacation a judge thereof, may, in the discretion of the court or 40

judge, on application in a summary way, discharge, vary, or suspend, on terms or otherwise, any order or warrant of the Commissioners.

A.D. 1877.

orders of
Commis-
sioners, &c.Reports to
Secretary of
State and
cesser of
Commission.

7. The Commissioners shall from time to time make a report to one of Her Majesty's Principal Secretaries of State, and shall make their final report to him within *three* years after the passing of this Act; and at the end of those *three* years the duties of the Commissioners shall cease, but without prejudice to the operation of any order or warrant made or thing done by them within those *three* years, or to the protection by this Act given to them or to any other person; and every such order, warrant, and thing, and all such protection as aforesaid, shall continue in force and subsisting as if the duties of the Commissioners had not ceased.

Every report of the Commissioners shall be laid before both Houses of Parliament; and no person shall be liable in any proceeding by reason of his publishing the same or any part thereof, or of his publishing a fair account of any evidence taken under this Act.

8. *The reasonable expenses, as allowed by the Commissioners, of persons giving evidence before the Commissioners, and the remuneration of the secretary, assistant commissioners, clerks, and other officers, from time to time appointed by the Commissioners and the other expenses of the Commissioners, shall be paid out of money provided by Parliament.*

Expenses.

Monastic and Conventual Institutions.

A

B I L L

For appointing Commissioners to inquire
respecting Monastic and Conventual
Institutions in Great Britain, and for
other purposes connected therewith.

(Prepared and brought in by
Mr. Newdegate, Sir Thomas Chambers,
and Mr. Holt.)

Ordered, by The House of Commons, to be Printed,
9 February 1877.

[Bill 52.]

Under 1 oz.

A
B I L L

TO

Amend the Money Laws of Ireland and prohibit the issuing of Promissory Notes under Two Pounds. A.D. 1778.

WHEREAS it is expedient to amend the money laws of Ireland by prohibiting after a certain period the issuing of promissory notes under the sum of two pounds :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. If any body politic or corporate, or any person or persons, shall *on or after the first day of January one thousand eight hundred and seventy-eight* make, sign, issue, or reissue in Ireland any
10 promissory note payable on demand to the bearer thereof for any sum less than *two pounds*, then and in such case any such body politic or corporate, or person or persons, so making, signing, issuing, or reissuing any such promissory note as aforesaid shall for every
15 such note so made, signed, issued, or reissued forfeit the sum of *twenty pounds*.

Prohibition to issue any promissory note for less than two pounds under a penalty of twenty pounds.

2. The penalties which shall or may be incurred under the provisions of this Act may be sued for, recovered, levied, mitigated, and applied in such and the same manner as any other penalties
20 imposed by any of the laws now in force relating to the duties under the management of the Commissioners of Inland Revenue.

Penalties incurred to be recovered by the Commissioners of Inland Revenue.

Money Laws (Ireland) Amendment.

A

B I L L

To amend the Money Laws of Ireland
and prohibit the issuing of Promissory
Notes under Two Pounds.

(Prepared and brought in by
Mr. Delahunty and Mr. Richard Power.)

*Ordered, by The House of Commons, to be Printed,
13 June 1877.*

[Bill 198.]
Under 1 oz.

Municipal Corporations (New Charters) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Definition of “ Municipal Corporation Acts,” and short titles.
3. Power to Crown in granting charter to borough to extend to it the provisions of the Municipal Corporation Acts.
4. Reference to Committee of Council and notice of petition for charter.
5. Power by charter to settle wards and by fixing dates and otherwise to adapt the Municipal Corporation Acts to first constitution of new borough.
6. Scheme for continuance or abolition of and adjustment of rights of existing local authority.
7. Supplemental provisions as to scheme.
8. Provision as to police force in new borough.
9. Validity of charters.
10. Saving for other enactments and royal prerogative.
11. Repeal of Acts.
12. Pending petitions.
13. Application of Act to past charters.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the Law with respect to the Grant of A.D. 1877.
Municipal Charters.

[Note.—*The words printed in red ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Municipal Corporations (New Short title.
Charters) Act, 1877."

2. In this Act the expression "Municipal Corporation Acts" Definition of
means the Acts mentioned in the First Schedule to this Act, so far as "Municipal
they are unrepealed, and any Act hereafter to be passed amend- Corporation
10 ing those Acts, or any of them, and each of the Acts in the said Acts," and
schedule may be cited by the short title in that schedule men- short titles.
tioned.

3. If on the petition, to Her Majesty of the inhabitant house- Power to
holders of any town or towns or district in England, or of any of Crown in
15 those inhabitants, praying for the grant of a charter of incorpo- granting
ration, Her Majesty, by the advice of Her Privy Council, thinks fit charter to
by charter to create such town, towns, or district, or any part thereof borough to
specified in the charter, with or without any adjoining place, a extend to it
municipal borough, and to incorporate the inhabitants thereof, it the provi-
20 shall be lawful for Her Majesty by the charter to extend to that sions of the
municipal borough and the inhabitants thereof so incorporated the Municipal
provisions of the Municipal Corporation Acts, except such Acts or Corporation
such parts of such Acts as relate to the assessing or levying rates, Acts.
or as impose any charge thereon.

25 4. Every petition for a charter under this Act shall be referred to Reference to
a Committee of the Lords of Her Majesty's Privy Council (in this Committee
Act referred to as the Committee of Council) of Council
and notice
of petition
for charter.

One month at least before the petition is taken into con- sideration by the Committee of Council, notice thereof and of the

[Bill 244.]

A 2

A.D. 1877. time when the same will be taken into consideration by the Committee of Council shall be published in the London Gazette, and otherwise in such manner as may be directed by the Committee of Council for the purpose of making the same known to all persons interested.

5

Power by charter to settle wards and by fixing dates and otherwise to adapt the Municipal Corporation Acts to first constitution of new borough.

5. Where Her Majesty by a charter extends the Municipal Corporation Acts to a municipal borough it shall be lawful for Her Majesty, by the charter, to do all or any of the following things:

- (1.) To fix the number of councillors, and to fix the number and boundaries of the wards (if any), and to assign the number of councillors to each ward; and 10
- (2.) To fix the years, days, and times for the retirement of the first aldermen and councillors; and
- (3.) To fix such days, times, and places and nominate such persons to perform such duties, and make such other temporary modifications of the Municipal Corporation Acts, as may appear to Her Majesty to be necessary or proper for making those Acts applicable in the case of the first constitution of a municipal borough. 15

The years, days, times, and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the charter, be respectively substituted in the Municipal Corporation Acts for the years, days, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like powers, and be subject to the like obligations and penalties, as the officers and persons mentioned in the said Acts for whom they are respectively substituted. 20 25

Subject to the provisions of the charter authorised by this section, the Municipal Corporation Acts shall, upon the charter coming into effect, apply to the municipal borough to which they are extended by the charter, in like manner as if it were a borough named in Schedule B. to the Municipal Corporation Act, 1835, and as if the date of the charter were substituted in the last-mentioned Act for the time of the passing of that Act and for the fifth day of June one thousand eight hundred and thirty-five, and where the first mayor, aldermen, and councillors or any of them are named in the charter, shall apply as if they were elected under the said Acts, and where they are not so named, shall apply to their first election. 30 35

Scheme for continuance or abolition of and adjustment of rights

6. Where a petition for a charter is referred to the Committee of Council, and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the 40

adjustment of the powers, rights, privileges, franchises, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of
 5 any officer of that authority.

A.D. 1877.
 of existing
 local autho-
 rity.

The scheme so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance
 10 of that authority, or for the abolition total or partial of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority, and the union or other relation of the existing local authority and the authority or authorities so created, and for the con-
 15 tinuance, modification, transfer, vesting, and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any
 20 such adjustment and provisions as aforesaid.

The scheme, when settled by the Committee of Council, shall be published in the London Gazette, and otherwise, as provided by the Second Schedule to this Act, and shall not be of any effect unless confirmed as herein-after mentioned.

25 Where, within one month after the publication of the scheme in the London Gazette, a petition against the scheme by any local authority affected thereby, or by not less than one twentieth of the owners and ratepayers of the borough (such twentieth to be one twentieth in number of the owners and ratepayers of the
 30 borough taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the borough) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of Council may, if they think fit, submit it to
 35 Parliament for confirmation, but otherwise at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit the scheme for confirmation, either to Parliament or to Her Majesty in Council, and in the latter case it shall be
 40 lawful for Her Majesty to confirm the scheme by Order in Council.

See
 38 & 39 Vict
 c. 55. s. 273.

A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifica-

A.D. 1877. tions, if any, as are made therein by Parliament, as if it were part of this Act.

A local authority for the purposes of this Act means a sanitary authority, (not being the mayor, aldermen, and burgesses of a borough subject to the Municipal Corporation Acts,) also a school board, the corporation of a borough not subject to the Municipal Corporation Acts, a burial board, trustees commissioners or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleaning, watching, regulating, or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners trustees or other persons (not being justices of the peace) maintaining any police force, and any other authority not above excepted and having powers of local government and of rating for public purposes.

The district of a local authority for the purposes of this Act means the area within which such authority can exercise any powers or rights.

Supplemental provisions as to scheme.

7. A scheme under this Act shall, before being settled by the Committee of Council, be referred for consideration to a Secretary of State, the Local Government Board, and the Education Department, and so far as it is intended to affect any authority which is a harbour authority within the meaning of the Harbours and Passing Tolls, &c. Act, 1861, to the Board of Trade.

24 & 25 Vict. c. 47. s. 2.

A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority, and if there is a school board, shall provide for placing the whole of the new borough within the jurisdiction of one school board.

The provisions contained in the Second Schedule to this Act with respect to schemes under this Act shall have effect as if they were enacted in the body of this Act, and that Schedule shall be deemed to be part of this Act.

If the Committee of Council are satisfied that a local authority have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by that authority in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order such costs to be so paid, and these costs shall be paid accordingly.

Provision as to police force in new borough.

8. Nothing in any scheme or in the Municipal Corporation Acts shall authorise the establishment in a borough to which a charter is granted under this Act of a new separate police force

A.D. 1877.

not consolidated with the county police force, unless a Secretary of State at any time on special cause being shown authorises such establishment under the Municipal Corporation Acts; and if at any subsequent time a Secretary of State authorises such establishment, the Committee of Council may settle a scheme under this Act for the adjustment of the powers, rights, privileges, franchises, duties, properties, and liabilities of the justices having the control of the county police force, so far as regards police in the area of the borough, in like manner as if the charter were proposed to be granted and those justices were a local authority for the purposes of this Act.

9. A charter creating a municipal borough which purports to be granted in pursuance of the royal prerogative and in pursuance of or in accordance with this Act, shall, after acceptance, be deemed to be valid and within the powers of this Act and of Her Majesty's prerogative, and shall not be questioned in any legal proceeding whatever.

Validity of charters.

Every such charter shall be laid before both Houses of Parliament within one month after it is granted, if Parliament be then sitting, or if not, within one month after the beginning of the then next sitting of Parliament.

10. The provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers and provisions contained in any enactment not repealed by this Act, and the powers exercisable by Her Majesty by virtue of her royal prerogative.

Saving for other enactments and royal prerogative.

11. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that—

Repeal of Acts.

- (1.) This repeal shall not affect any charter granted, or anything done or suffered under any enactment hereby repealed; or
- (2.) Any right acquired or accrued under any enactment hereby repealed; or
- (3.) Any legal proceeding or remedy in respect of any such charter, thing, right, or liability.

12. Where a petition for a charter of incorporation presented to Her Majesty is pending at the passing of this Act, the same shall be proceeded with as if such petition had been presented after the passing of this Act, and this Act shall apply accordingly.

Pending petitions.

13. All charters purporting to have been granted in pursuance of the royal prerogative and in pursuance of or in accordance with any enactment repealed by this Act shall, except so far as before the

Application of Act to past charters.

A.D. 1877. passing of this Act they have been declared by the judgment of a competent court to be invalid, be as valid as if they had been granted in pursuance of this Act.

Where any such charter has been granted to a borough within seven years before the passing of this Act, the Committee of Council, 5 on the petition to Her Majesty of the mayor, aldermen, and burgesses of such borough acting by the council, or of any existing local authority whose district comprises the whole or any part of the area of that borough, either with or without any adjoining or other place, may settle a scheme under this Act in like 10 manner as if the petition for the grant of a charter to such borough had been referred to the Committee of Council after the passing of this Act, and the provisions of this Act with respect to a scheme shall apply accordingly, with the necessary modifications; and if within one month after the publication of the scheme in the 15 London Gazette a petition against the scheme from the council of the borough has been received by the Committee of Council and is not withdrawn the scheme shall require the confirmation of Parliament.

FIRST SCHEDULE.

A.D. 1877.

Municipal Corporation Acts.

Session and Chapter.	Title of Act.	Short Title.
5 5 & 6 Will. 4. c. 76.	An Act to provide for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1835.
6 & 7 Will. 4. c. 103.	An Act to make temporary provision for the boundaries of certain boroughs.	The Municipal Corporation (Boundaries) Act, 1836.
10 6 & 7 Will. 4. c. 104.	An Act for the better administration of the borough fund in certain boroughs.	The Municipal Corporation (Borough Fund) Act, 1836.
15 6 & 7 Will. 4. c. 105.	An Act for the better administration of justice in certain boroughs.	The Municipal Corporation (Justices, &c.) Act, 1836.
7 Will. 4. & 1 Vict. c. 78.	An Act to amend an Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation (General) Act, 1837.
20 7 Will. 4. & 1 Vict. c. 81.	An Act to provide for the levying of rates in boroughs and towns having municipal corporations in England and Wales.	The Municipal Corporation (Watch Rate) Act, 1837.
25 1 & 2 Vict. c. 31. -	An Act for facilitating the sale of church patronage belonging to municipal corporations in certain cases.	The Municipal Corporation (Benefices) Act, 1838.
2 & 3 Vict. c. 27. -	An Act for regulating the proceedings in the borough courts of England and Wales.	The Municipal Corporation (Borough Courts) Act, 1839.
30 2 & 3 Vict. c. 28. -	An Act for the more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1839.
35 3 & 4 Vict. c. 28. -	An Act to explain and amend an Act of the second and third years of Her present Majesty, for more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1840.
40 5 & 6 Vict. c. 104. -	An Act to explain and amend certain enactments contained respectively in the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1842.

Municipal Corporations (New Charters). [40 & 41 VICT.]

8

A.D. 1877.

Session and Chapter.	Title of Act.	Short Title.
6 & 7 Vict. c. 89. -	An Act to amend the Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1843.
8 & 9 Vict. c. 110. -	An Act for the better collecting borough and watch rates in certain places.	The Municipal Corporation (Rates) Act, 1845. 5
13 & 14 Vict. c. 42.	An Act to confirm the incorporation of certain boroughs, and to provide for the payment of the expenses of the incorporation of new boroughs.	The Municipal Corporation (Incorporation) Act, 1850. 10
13 & 14 Vict. c. 64.	An Act to provide for more effectually maintaining, repairing, improving, and rebuilding bridges in cities and boroughs.	The Municipal Corporations (Bridges) Act, 1850. 15
13 & 14 Vict. c. 91.	An Act to authorise justices of any borough having a separate gaol to commit assize prisoners to such gaol, and to extend the jurisdiction of borough justices to all offences and matters arising within the borough for which they act.	The Municipal Corporation (Justices) Act, 1850. 20
15 & 16 Vict. c. 5. -	An Act further to explain and amend the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1852. 25
16 & 17 Vict. c. 79.	An Act for making sundry provisions with respect to municipal corporations in England.	The Municipal Corporation Act, 1853.
20 & 21 Vict. c. 50.	An Act to amend the Acts concerning municipal corporations in England.	The Municipal Corporation Act, 1857. 30
22 Vict. c. 35. -	An Act to amend the law relating to municipal elections.	The Municipal Corporation Act, 1859.
23 & 24 Vict. c. 16.	An Act to make further provision concerning mortgages and other dispositions of property belonging to municipal corporations in England and Ireland.	The Municipal Corporation (Mortgages, &c.) Act, 1860. 35
24 & 25 Vict. c. 75.	An Act for amending the Municipal Corporations Act.	The Municipal Corporations Act Amendment Act, 1861. 40
32 & 33 Vict. c. 23.	An Act to extend the power of recorders to appoint deputies in certain cases.	The Municipal Corporation (Recorders) Act, 1869.
32 & 33 Vict. c. 55.	An Act to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes.	The Municipal Corporation (Elections) Act, 1869. 45

SECOND SCHEDULE.

A.D. 1877.

Procedure for Schemes under the Act.

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them, either together
5 with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme, and also the scheme when settled, shall be published by advertisement, or placards, or hand-bills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

10 3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. Where a scheme is submitted to Parliament for confirmation, the Committee of Council may introduce a Bill for the
15 confirmation of the scheme, which Bill shall be a Public Bill.

5. Before such Bill is introduced into Parliament the Committee of Council may alter the scheme in such manner as they think proper.

20 6. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill.

25 7. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

8. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with, and that the scheme has been duly made, and is
30 within the powers of this Act.

A.D. 1877.

THIRD SCHEDULE.

Enactments repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 76.	An Act to provide for the Regulation of Municipal Corporations in England and Wales.	Section one hundred and forty-one.
7 Will. 4. & 1 Vict. c. 78.	An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales.	Section forty-nine.

5

Municipal Corporations
(New Charters). [H.L.]

A

BILL

INTITLED

An Act to amend the Law with respect
to the Grant of Municipal Charters.

(Brought from the Lords 9 July 1877.)

Ordered, by The House of Commons, to be Printed,
11 July 1877.

[Bill 244.]

Under 2 oz.

New Forest Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
2. Short titles. Acts relating to the New Forest.
3. Definition of "Forest" and "Register of common rights."
4. "Commissioners of Woods."

Exercise of Right of Inclosure.

5. Limitation in area of exercise of right of inclosure.
6. Within limited area right to be exercised without restriction.
7. Appropriation of inclosures.
8. Subject to authorised inclosures Forest to be kept open.

Fence Month and Winter Heyning.

9. Rights of common exerciseable during fence month and winter heyning.

Sales of Intermixed Lands.

10. Restriction on exercise of power of sale by Commissioners of Woods.
11. Appropriation of balance of railway money set apart for the benefit of Her Majesty and the commoners.

Saving for rights of Crown.

12. Saving for rights of Crown.

Amended constitution of Court of Verderers.

13. Constitution of verderers.
14. Qualification of elective verderers.
15. Disqualification of elective verderers.
16. Qualification of electors.
17. Time at which verderers under Act come into office.
18. Rotation of elective verderers.
19. Vacating elective verderers to be re-eligible.
20. Resignation and casual vacancies of elective verderers.

[Bill 150.]

Clause.

Status and Powers of Verderers.

21. Legal status of verderers.
22. Enumeration of powers of verderers.
23. Courts of swainmote to be held by verderers.

Byelaws.

24. Power of verderers to make byelaws.

Application of Schedules.

25. Application of provisions in schedules.

Supplemental Provisions.

26. Remedy in case of difficulty of holding first election of verderers under Act.
27. Default of verderers in holding first court of swainmote.
28. Appeal to High Court of Justice in respect of invalid election.
29. Fine on neglect of duty by returning officer.
30. Fine on illegal acts in respect of election.
31. Mandamus to verderers making default in duty.

Legal Proceedings.

32. Every verderer to have powers, &c. as if he were a justice of the peace, and court of swainmote to be deemed court of petty sessions.
33. Recovery of fines.
34. Disobedience to order of court of swainmote.
35. Appeal from decision of court of swainmote.
36. Exclusion of certiorari.

Application of Moneys.

37. Application of fines and other moneys received by verderers.

Temporary Provisions.

38. Saving as to existing verderers.

SCHEDULES.

1. Maximum rate and scale of contributions to be levied by verderers.
 2. Register of commoners.
 3. Election of verderers.
-

A
B I L L

TO

Amend the Administration of the Law relating to the New Forest in the County of Southampton; and for other purposes. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 Preliminary.

1. This Act may be cited for all purposes as "The New Forest Act, 1877." Short title of Act.

2. The Acts mentioned in the first and second columns of the following table are in this Act referred to by the short titles set forth in the third column of the said table in reference to such Acts respectively :— Short titles.
Acts relating to the New Forest.

TABLE OF ACTS.

Year of Act.	Title of Act.	Short Title by which Act referred to in this Act.
15 9 & 10 Will. III. c. 36., A.D. 1691.	" An Act for the increase and preservation of Timber in the New Forest, in the County of Southampton."	Act of 1698.
48 Geo. III. c. 72., A.D. 1808.	" An Act for the increase and preservation of Timber in Dean and New Forest."	Act of 1808.
20 14 & 15 Vict. c. 76., A.D. 1851.	" An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the said Forest."	Act of 1851.
25		

3. "The Forest" means, for the purposes of this Act, the uninclosed lands whereof Her Majesty is seised in her domain as
[Bill 150.] Definition of "Forest" and "Re-

A.D. 1877. of fee, subject to the rights of commoners therein or thereover, situate within the boundaries of the New Forest in the county of Southampton, including all such lands as may at the commencement of this Act be inclosed in pursuance of any commission issued in pursuance of the Act of 1698, the Act of 1808, and the Act of 1851, or any of such Acts.

gister of
common
rights."

"Register of common rights made in pursuance of the Act of 1854" means the register of the decision of claims of rights of common and other rights in and over the New Forest made by the Commissioners acting under the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter forty-nine, intuled "An Act for the settlement of claims upon and over the New Forest."

"Commis-
sioners of
Woods."

4. The expression "the Commissioners of Woods" means the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues, or such one of them as may for the time being have the management or direction of the New Forest.

Exercise of Right of Inclosure.

Limitation
in area of
exercise of
right of
inclosure.

5. The right of Her Majesty, her heirs and successors, to inclose any lands in the Forest for the growth of timber or trees, in pursuance of the Act of 1698, the Act of 1808, and the Act of 1851, or any of such Acts, shall be exercised only on such lands as are at the date of the passing of this Act inclosed, or as have previously to such date been inclosed, by virtue of commissions issued in pursuance of the said Acts, or some of them.

Within
limited area
right to be
exercised
without
restriction.

6. With respect to the lands in the forest which are at the date of the passing of this Act inclosed, or have previously to such date been inclosed by virtue of any such commission as aforesaid, it shall be lawful for Her Majesty, her heirs and successors, from time to time, without the issue of any commission, and when and in such manner and as often as to Her Majesty seems meet, to cause any part of such lands to be inclosed, planted, laid open, replanted, or re-inclosed; provided that the whole quantity of such lands under inclosure does not exceed at any one time sixteen thousand acres.

Notice shall be given to the verderers by the Commissioners of Woods of their intention to inclose, lay open, or re-inclose any lands which Her Majesty has power to inclose under the provisions of this Act, but the verderers shall have no power to object to any such inclosure, laying open, or re-inclosure.

7. Any part of such lands as may for the time being be inclosed shall be appropriated to growing timber and trees, and it shall be lawful for Her Majesty to plant in such inclosed part any timber or trees which may be thought expedient, and during the time that it seems meet to Her Majesty, her heirs and successors, to keep such part inclosed for the growth and preservation of timber and trees such part shall remain in severalty in the actual possession of Her Majesty, her heirs and successors, free from all rights of common, and from all other rights, privileges, and claims whatsoever, except a right of the public to use any public highway which may traverse the said lands.

A.D. 1877.

Appropriation of inclosures.

8. The ancient ornamental woods and trees in the Forest shall so far as is practicable be preserved, and except in so far as is provided by this Act the Forest shall remain open and uninclosed.

Subject to authorised inclosures Forest to be kept open.

15 *Fence Month and Winter Heyning.*

9. In consideration of a payment to Her Majesty by the verderers on behalf of the commoners of the sum of *twenty shillings* in every year as an acknowledgment of the absolute right of Her Majesty to enforce the fence month and winter heyning, it shall be lawful, until otherwise provided by Parliament, for any person entitled to any right of common of pasture in the Forest, to exercise such right during the time of the fence month and during the time of the winter heyning, subject nevertheless to such limitations and restrictions in respect of such right of pasture during the time of the winter heyning as may be imposed by any byelaws made in pursuance of this Act.

Rights of common exercisable during fence month and winter heyning.

If default is made in any year in payment of any such sum of *twenty shillings* as aforesaid, the fence month and winter heyning may be enforced in the same manner as if this section had not passed.

30 *Sales of Intermixed Lands.*

10. The Commissioners of Woods may sell, free from all rights of common, any parcels of land in the New Forest which are wholly or in parts surrounded by or intermixed with other lands not the property of the Crown (and which lands so surrounded or intermixed are in this Act included under the expression intermixed lands) on condition of the purchase money of such intermixed lands being expended in purchasing and adding to the Forest other land.

Restriction on exercise of power of sale by Commissioners of Woods.

Notice shall be given to the verderers of any sales proposed to be made of intermixed lands under this section, and a sale of intermixed land shall not be deemed to be completed until the provisions

A.D. 1877. of this section with respect to the investment of the purchase money in other land to be added to the Forest have been complied with, and such addition been made.

Any land purchased by the Commissioners of Woods for the purpose of being added to the Forest shall be deemed to be uninclosed lands, whereof Her Majesty is seised in her domain as of fee, but subject to the rights of the commoners therein and there- over, and to be within the boundaries of the New Forest.

Any owner of land in the New Forest desirous of purchasing from the Commissioners of Woods any intermixed lands may sell to the Commissioners any part of his land with which such lands are intermixed to such an extent as may be necessary for enabling the Commissioners to add to the Forest the land by this section required to be added; and for the purposes of such sale the provisions of the Lands Clauses Consolidation Acts, 1845 and 1860, with the exception of the provisions relating to the purchase and taking of lands otherwise than by agreement, shall apply.

For the purposes of this section the land added to the Forest on the occasion of any purchase need not be a part of the land belonging to the owner who has made such purchase, but may be part of any other private lands convenient for addition to the Forest and capable of being purchased by the Commissioners of Woods.

Save as in this Act mentioned, sales of any part of the Forest shall be void.

Appropriation of balance of railway money set apart for the benefit of Her Majesty and the commoners.

11. The balance of purchase money paid into the Bank of England in pursuance of the eighteenth section of the Southampton and Dorchester Railway Act, 1845, being part of the price paid for the lands of the Crown sold under the authority of that Act, and set apart for the benefit of Her Majesty, her heirs and successors, and the parties entitled to rights of common over the unenclosed portions of the Forest, shall be expended for the benefit of Her Majesty, her heirs and successors, and the parties entitled to such rights of common as aforesaid within the period of three years immediately succeeding the passing of this Act in such manner as may be determined by the verderers with the assent of the Treasury.

Saving for rights of Crown.

Saving for rights of Crown.

12. Nothing in this Act shall take away, abridge, or prejudicially affect any estate, right, title, power, claim, or privilege of Her Majesty, her heirs and successors in, over, or to the Forest except in so far as is by this Act provided in relation to the exercise of the right of enclosure and the exercise of the right of enforcing the fence

month and winter heyning during the payment of such acknowledgment as is in this Act on that behalf mentioned; and in the event of the Forest being disafforested and separate allotments being made to Her Majesty, her heirs and successors, and to the
 5 persons entitled to rights of common in or over the Forest every estate, right, title, power, claim, and privilege of Her Majesty, her heirs and successors in, over, or to the Forest, and the rights of the persons so entitled as aforesaid, shall respectively be estimated, valued, and allowed as they would have been if this Act had not
 10 been passed, and it is hereby declared that the right of Her Majesty, her heirs, and successors to common of pasture, and other rights of common over the Forest in respect of any property belonging to Her Majesty in severalty, is unimpaired.

A.D. 1877.

Amended constitution of Court of Verderers.

15 **13.** The verderers of the New Forest as constituted under this Act shall consist of six elective verderers and of one official
 20 verderer. Constitution
of verderers.

No oath or declaration shall be required to be taken by a verderer on his entering on his office.

20 The official verderer shall be from time to time nominated by Her Majesty under Her sign manual and shall hold office during Her Majesty's pleasure.

The first official verderer shall be nominated by Her Majesty on or before the *last day of October one thousand eight hundred and*
 25 *seventy-seven*, but he shall not enter on his office of verderer until the day appointed for holding the first court of swainmote under this Act.

The elective verderers shall be elected by the persons and in manner in this Act mentioned.

30 **14.** A person shall not be qualified to be an elective verderer unless he is the owner of not less than one hundred and fifty acres of land to which some right or rights of common in or over the
 35 Forest are attached. Qualification
of elective
verderers.

15. A person shall be disqualified from being an elective verderer
 35 who— Disqualifica-
tion of
elective
verderers.

- (1.) Holds any office or place of profit under the verderers; or,
- (2.) Participates in the profits of any work done by order of the verderers; or,
- (3.) Is concerned in or participates in the profit of any contract entered into by the verderers.

40

A.D. 1877.

Qualification
of electors.

16. Every person shall be qualified to vote at the election of an elective verderer who possesses the qualifications following, or either of them; that is to say,

- (1.) Whose name is entered on the list for the time being in force of parliamentary voters of any parish or township which, or any part of which, is situate within the perambulation of the Forest; or
 - (2.) Whose name is entered on the register of persons for the time being entitled to rights of common in or over the Forest, and in this Act referred to as the register of commoners; 10
- a person shall not be qualified to have more than one vote, although he possesses both the above-mentioned qualifications, and save as in this section mentioned no person shall be qualified to vote at the election of a verderer.

A person shall not be entitled to have his name entered on the register of commoners under this Act unless his name appears as entitled to rights of common in or over the Forest on the register of common rights made in pursuance of the Act of 1854, or unless such person derives title from some person whose name appears on such deposited register. 20

Time at
which ver-
derers under
Act come
into office.
Rotation of
elective
verderers.

17. The verderers as constituted under this Act shall come into office on the day appointed for holding the first court of swainmote under this Act.

18. The elective verderers shall, as soon as conveniently may be, after their election, divide themselves into three classes by agreement, or if they cannot agree, by lot. The offices of the first class shall be vacated at the expiration of the second year succeeding the day of their coming into office, the offices of the second class shall be vacated at the expiration of the fourth year succeeding the day of their coming into office; and the offices of the third class shall be vacated at the expiration of the sixth year succeeding the day of their coming into office. 25 30

The offices of vacating verderers shall be filled up by an equal number of new verderers to be elected in manner in this Act provided, and every newly elected verderer shall hold his office for the term of *six years* and no longer unless re-elected. 35

Vacating
elective
verderers to
bere-eligible.
Resignation
and casual
vacancies of
elective
verderers.

19. Any person on ceasing to be an elective verderer shall, unless disqualified, be re-eligible.

20. An elective verderer may resign on notifying in writing his intention so to do to any court of swainmote, and thereupon shall be deemed to create a casual vacancy. 40

Any casual vacancy in the office of an elective verderer shall be filled up by the elective verderers themselves, but the verderer so chosen shall retain his office so long only as the vacating verderer would have retained the same if such vacancy had not occurred. A.D. 1877.

- 5 An elective verderer dying between the time of his being elected a verderer and the time of his entering his office, shall be deemed to create a casual vacancy.

10 An elective verderer shall also vacate his office if he absents himself from all courts of swainmote or other meetings of the verderers for not less than *six months*, unless he is prevented from attending by illness, or unless the verderers resolve that it is expedient that such verderer should not vacate his office.

Status and Powers of Verderers.

- 15 21. (1.) The verderers as constituted under this Act shall be a body corporate by the name of the Verderers of the New Forest, having a perpetual succession and a common seal, with power to make contracts, and sue and be sued, for the purposes of their constitution, and to hold lands so far as may be necessary for offices or otherwise : Legal status of verderers.
- 20 (2.) An act or proceeding of the verderers shall not be questioned on account of any vacancy or vacancies in their body :
- 25 (3.) A defect in the qualification or election of any elective verderer shall not vitiate any proceedings of a court of swainmote in which he or they have taken part in cases where the majority of verderers, parties to such proceedings, are duly entitled to act :
- 30 (4.) Any minute made of administrative proceedings at meetings of a court of swainmote, if signed either at the meeting of the court, or at the next ensuing meeting of the court, by any person purporting for the time being to be chairman of the court, shall be receivable in evidence of such proceedings in all legal proceedings without further proof ; and until the contrary is proved every court where minutes have been so made of the proceedings shall be deemed to have been duly convened and held :
- 35 (5.) A verderer by being party to, or executing in his capacity of verderer, any contract or other instrument on behalf of the verderers, or otherwise exercising any of the powers of the verderers shall not be subject individually to any action, suit, trial, prosecution, or other legal proceedings and the verderers may apply any moneys from time to time coming into their hands to the payment of any costs
- 40

A.D. 1877.

of legal proceedings or damages they may incur in execution of their powers.

- (6.) Any appointment and any contract or other document which is not required by law to be under seal shall be deemed to be well executed if signed by the chairman for the time being of a court of swainmote, such signature being expressed to be by or on behalf of the Verderers of the New Forest. 5

Enumera-
tion of
powers of
verderers.

22. The verderers as constituted under this Act shall have power,— 10

- (1.) From time to time to appoint and dismiss, with power to increase or diminish their number, such officers and servants as they may deem necessary for the purpose of carrying into effect their duties as verderers, and to assign to each officer so appointed his duty and salary; and 15
- (2.) To make drifts of the Forest at such time and in such manner as they may think expedient; and
- (3.) To levy from the commoners in the New Forest such sums as the verderers may require for paying the expenses of and incidental to carrying into effect their duties as verderers by means of a rate and payments not exceeding the scales specified in the first schedule hereto; and 20
- (4.) To inquire into all unlawful inclosures, purprestures, encroachments, and trespasses whatsoever within the Forest, and to impose on any person or persons offending for every such offence any fine not exceeding *ten pounds*, and by summary order to direct every such inclosure, purpresture, encroachment, and trespass to be abated; and 25
- (5.) To punish all such offences, and perform all such acts, powers, authorities, matters, and things, and exercise all such jurisdiction, as the verderers or any two of them, or the verderers in their court of attachments or swainmote are by any law, statute, or custom directed, authorised, or empowered to punish, do, exercise, or perform. 30

Courts of
swainmote
to be held by
verderers.

23. The verderers as constituted under this Act shall hold courts of swainmote for the despatch of the administrative and judicial business to be transacted by them, and shall from time to time make such regulations with respect to the summoning, notice, place, and adjournment of such courts and generally with respect to the transaction and management of business, as they think fit, subject to the following conditions: 35 40

- (a.) The first court of swainmote under this Act shall be summoned on such day in the month of *January one thousand eight hundred and seventy-eight* as may be appointed by

the official verderer, or if he fail to appoint a day, on or before the *fourteenth* day of that month, then as may be appointed by the chairman for the time being of the quarter sessions for the county of Southampton, on the application of any commoner or other person interested; and,

A.D. 1877.

(b.) A court may be summoned at any time on the requisition in writing of any three verderers, or of the official verderer; and,

(c.) Every question shall be decided by a majority of votes of the verderers present and voting on that question; and,

(d.) A court, where another number is not prescribed by this Act, shall be constituted by the presence of three verderers; and,

(e.) The official verderer shall be chairman of the court; and,

(f.) If at any court the chairman is not present at the time appointed for holding the same, or within a quarter of an hour afterwards, the verderers present shall choose some one of their number to be chairman of the court; and,

(g.) In case of an equality of votes at any court when transacting administrative business, the chairman for the time being of such court shall have a second or casting vote.

Byelaws.

24. The verderers as constituted under this Act may from time to time, at any court of swainmote at which not less than five of their number are present, if they think fit, make, and when made alter, add to, or repeal byelaws with respect to any of the following matters; (that is to say,)

Power of
verderers to
make bye-
laws.

(1.) The prevention of the spread of contagious or infectious disease in the Forest by excluding or removing from the Forest any animal infected or suspected of being infected, or coming from a place infected or suspected of being infected with a contagious or infectious disease; and

(2.) The conditions as to time, breed, and otherwise under which stallions, bulls, or other male entire commonable animals are to be allowed to roam at large in the Forest; and

(3.) The regulation and enjoyment of the rights of common by the commoners.

Fines (to be recovered summarily) may be imposed by any such byelaws on persons breaking the same, provided that no fine exceeds for any one offence the sum of *two pounds*, or in the case of a continuing offence the sum of *ten shillings* for every day

A.D. 1877. during which such offence is continued after conviction for the first offence.

Any byelaw made in pursuance of this section, and any alteration or addition made therein or thereto, and any repeal of a byelaw, shall not be of any validity until it has been confirmed by the court of general or quarter sessions for the county of Southampton.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed by the said court until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the verderers in one or more newspapers circulating in the said county; and any person aggrieved by any such proposed byelaw or alteration in or addition to or repeal of a byelaw may forward notice of his objection to the said court of quarter sessions, which shall take the same into consideration.

Application of Schedules.

Application of provisions in schedules.

25. The provisions contained in the second and third schedules hereto, with respect to the register of commoners and the election of elective verderers shall be of the same force as if they were enacted in the body of this Act.

Supplemental Provisions.

Remedy in case of difficulty of holding first election of verderers under Act.

26. On the application of the official verderer, or of any ten persons qualified under this Act to vote at the election of verderers, and on proof that it is impracticable or inconvenient to hold the first election of verderers as constituted under this Act at the time appointed the justices of the county of Southampton in general or quarter sessions assembled may postpone the time of holding such election for such period not exceeding two months as they may think fit, and may also postpone the date for holding the first court of swainmote under this Act to such time, not being more than one month after the date to which the election of verderers is postponed as they may think fit.

Default of verderers in holding first court of swainmote.

27. If the verderers as constituted under this Act make default in holding their first court of swainmote in pursuance of this Act they shall not thereupon become disqualified from acting, but the justices of the county of Southampton in general or quarter sessions assembled, on the application of any commoner, may make such order as they think fit for the holding of such court of swain-

A.D. 1877.

mote at some other time, and any order so made shall be deemed to be an order capable of being removed into the High Court of Justice in pursuance of the Act passed in the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter 5 forty-five, and may be enforced accordingly; and the costs of any such application to the court of general or quarter sessions in pursuance of this section shall, unless the court otherwise directs, be defrayed out of the general fund in the hands of the verderers.

28. It shall be the duty of Her Majesty's High Court of Justice, 10 upon the application of any person who may be aggrieved by or complain of the election of any verderer, or any proceeding, act, or matter touching the same (reasonable notice having been given by the adverse party to those affected thereby of such intended application) to proceed forthwith, and in a summary way to hear the 15 affidavits, proofs, and allegations of the parties, or otherwise to inquire into the matter or cause of complaint, and either to confirm the election so complained of, or to order a new election, or to make such order and give such relief in the premises as right and justice may appear to the court to require; but no such application as 20 aforesaid shall be entertained by the court unless it is made within one month after the election has taken place in respect of which the complaint is made; and no such election shall be declared invalid by reason of any defect in the title of the returning officer.

29. If the returning officer refuses or neglects to comply with 25 any enactment of this Act relating to the election of verderers he shall be liable on summary conviction, before two justices of the peace, to a fine not exceeding *twenty pounds*.

30. Any person who personates any person entitled to vote at any election of a verderer, or falsely assumes to act in the name or 30 on behalf of any person so entitled to vote, shall be liable on summary conviction, before two justices of the peace, to a fine not exceeding *ten pounds*, or, in the discretion of the court by whom he is convicted, to imprisonment, with or without hard labour, for any period not exceeding *one month*.

31. If the verderers make default in causing any act or thing to be done which may be required or authorised to be done in relation to the register of commoners or otherwise for the purpose of the election of verderers in pursuance of this Act, Her Majesty's High Court of Justice may, upon the application of any person entitled 40 or claiming to be entitled to vote at the election of the verderers made in a summary manner issue a mandamus for remedying each default.

A.D. 1877.

Legal Proceedings.

Every verderer to have powers, &c. as if he were a justice of the peace, and court of swainmote to be deemed court of petty sessions.

32. Each of the verderers as constituted under this Act shall, for all the purposes of his office, have the same powers and jurisdiction as if he were a justice of the peace acting in and for the Forest, and such Forest were a county; and a court of swainmote when transacting judicial business shall have the same power and jurisdiction as if it were a court consisting of two or more justices of the peace, sitting for the transaction of business within the purview of their commissions as justices at some court or other public place at which justices are for the time being accustomed to assemble for holding special or petty sessions, and as if the Forest were a petty sessional division. 5 10

Where any seal is required to be affixed to any summons, warrant, conviction, or other document in pursuance of the Summary Jurisdiction Act in this Act mentioned, the seal of the verderers shall be deemed to be a proper and sufficient seal. 15

Recovery of fines.

33. Every sum of money which the verderers are empowered to collect or levy under this Act may be recovered as a fine, and all offences and fines capable of being prosecuted or recovered before a court of swainmote shall be prosecuted and recovered in manner provided by the Summary Jurisdiction Act. 20

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same. 25

Disobedience to order of court of swainmote.

34. Any person disobeying any summary order of a court of swainmote made in pursuance of this Act shall incur a fine not exceeding *one pound* for every day during which such disobedience continues; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than seven days or such other period less than seven days as may be prescribed by such order, the court may, in addition to any fine it may impose, appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly as a fine in the court of swainmote. 30 35 40

35. Any person aggrieved by a decision of a court of swainmote under this Act may appeal therefrom, subject to the conditions and regulations following :

A.D. 1877.

Appeal from
decision of
court of
swainmote.

- 5 (1.) The appeal shall be made to the next practicable court of general or quarter sessions for the County of Southampton, holden not less than twenty-one days after the giving of the decision from which the appeal is made ; and
- 10 (2.) The appellant shall, within ten days after the giving of the decision from which the appeal is made, give notice in manner prescribed by the verderers to the other party and to the court of swainmote of his intention to appeal, and the ground thereof ; and
- 15 (3.) The appellant shall, within three days after giving such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise as the justice may allow ; and
- 20 (4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :
- 25 (5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of swainmote, or remit the matter to the court, with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make
- 30 such order as to costs to be paid by either party as the court thinks just.

36. An order or conviction made by a court of swainmote shall not be quashed for want of form, and shall not be removed by certiorari or otherwise, at the instance either of the Crown or of
35 any private party into any superior court.

Exclusion of
certiorari.

Provided, that nothing in this section shall prevent the removal of a special case stated for the opinion of a superior court, or of any order or conviction to which such case relates. Moreover, no warrant of commitment shall be held void by reason of any defect
40 therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

A.D. 1877.

Application of Moneys.

Application
of fines
and other
moneys re-
ceived by
verderers.

37. All fines and other moneys recovered in the court of the verderers, or received by the verderers under this Act, shall be carried by them to the account of a general fund, and shall be applied in payment of the salaries of the officers and servants employed by them, and in defraying their other expenses under this Act. 5

An account of the moneys paid into such fund and of the application thereof shall be made out annually, and shall be audited by a person to be annually appointed by the court of general or quarter sessions for the county of Southampton, and there shall be paid to such auditor in respect of his services by the verderers such sum not exceeding for each audit as may be fixed by the said court of general or quarter sessions. 10

A summary of the annual accounts of the verderers at each audit thereof, shall be published in some newspaper circulating in the county of Southampton, and any commoner shall be entitled to a printed copy of such summary on payment of such sum not exceeding *one shilling* as may be prescribed by the verderers. 15

Any commoner may on payment of such sum, not exceeding *five shillings*, as may be prescribed by the verderers, inspect at any reasonable hour the accounts of the verderers, and take copies of or extracts from such accounts on payment of a further sum not exceeding *five shillings* for every hour, during which he may be occupied in taking such copies or extracts. 20 25

Temporary Provisions.

Saving as to
existing
verderers.

38. The verderers in office at the date of the passing of this Act shall continue in office until the day appointed for holding the first court of swainmote under this Act and no longer.

Any one or more of the verderers in office at the date of the passing of this Act, who on or before the *first day of December one thousand eight hundred and seventy-seven* notifies in writing to the official verderer his wish to be an elective verderer, shall be entitled to take his seat as an elective verderer under this Act, in the same manner in all respects as if he had been in fact elected an elective verderer at the first election of verderers held under this Act, and the provisions of this Act relating to qualification shall not apply to him. 30 35

If any vacancy occurs in the office of verderer before the day appointed for holding the first court of swainmote under this Act the remaining verderers for the time being in office may elect a 40

person qualified to be an elective verderer under this Act to fill the office of verderer, but the person so appointed shall continue in office only until the day appointed for the holding of such first court as aforesaid. A.D. 1877.

- 5 The verderers for the time being in office before the day appointed for holding the first court of swainmote under this Act are in this Act referred to as existing verderers.

A.D. 1877.

SCHEDULE 1.

Maximum Rate and Scale of Contributions to be levied by Verderers.

1. A rate upon property to which rights of common of pasture, turbary, or pannage attach, not exceeding twopence in the pound on the rateable value of such property; and 5

2. Payments for the following matters, viz.:—

		Not to exceed	
(a.)	For marking every head of cattle including horses, donkeys, and mules, entitled to be in the Forest - - - - -	} <i>Two shillings and sixpence.</i>	10
	For marking every sheep entitled to be in the Forest - - - - -		
		} <i>One shilling.</i>	
(b.)	For every thousand turves beyond the payment of two and sixpence for the ticket - -	} <i>Sixpence.</i>	
(c.)	For the pannage of every pig turned out in pannage time - - - - -	} <i>One shilling.</i>	15

SCHEDULE 2.

Register of Commoners.

Register of
commoners
for purpose
of election of
verderers.

A register of commoners shall be kept by the verderers at Lyndhurst, on which they shall insert the name of any person entitled to 20 rights of common in or over the Forest on his making application to have his name so inserted, and on his adducing such proof as may be required by the verderers that the name of the applicant appears on the register of common rights made in pursuance of the Act of 1854, or that the applicant derives title from some person 25 whose name appears on such deposited register.

The applications of claimants to be entered on the register shall be in such form and be made at such time or times in the months of September or October in every year as may from time to time be prescribed by the verderers. The verderers shall give notice in 30 such manner as they may think best calculated to give information to the commoners of the right of persons to claim to have their names entered on the register of commoners, and of the time or times at which and the mode in which such claims are to be made.

Where any commoner is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband shall be entitled to be entered in the list as a voter in the place of such minor, person of unsound mind, or married woman. A.D. 1877.

- 5 Where a corporation aggregate, a joint stock or other company, or any body of proprietors is entitled to rights of common, including Her Majesty the Queen, such corporation, company, or body of proprietors, including as aforesaid, shall be entitled to vote as one proprietor by proxy appointed in writing under the common seal in the case of a corporation, or under the hands of three directors or other persons having the direction or management in the case of an unincorporated body, or under the hands of the Commissioners of Woods, or either of them, in the case of Her Majesty the Queen.
- 10
- 15 Where several persons are joint tenants, coparceners, or tenants in common in respect of rights of common, they shall in respect of such rights be considered as one proprietor only, and such one of them only and no other shall be entitled to vote in respect of such rights as may be entered on the register of commoners, with the consent in writing of the majority of the persons interested, or in the case of such persons being equally divided as may be selected by the verderers.
- 20

The verderers shall, in the first week in November in every year, publish a notice in some newspaper circulating in their district stating that the register of commoners is prepared and ready for inspection at the office of the verderers at Lyndhurst, and appointing, in the month of November, a day or days at which any person interested may apply to the verderers to correct the register by inserting or expunging the name of any commoner.

25

- 30 The verderers shall, on the appointed day or days, hear any objections or claims that may be made. They shall allow such claims or objections as appear to them to be established, and shall amend the register accordingly.

The register as settled by the verderers in the month of November in every year shall be conclusive evidence of the persons entitled to vote as commoners at any election of verderers during the ensuing twelve months.

35

- The verderers may alter the several dates prescribed for doing the several acts and things in this schedule mentioned, so that they do not give a less time than is by this schedule given for doing the said acts and things.
- 40

A.D. 1877. The existing verderers shall, so far as respects any act or thing to be done by the verderers in pursuance of this schedule before the date at which the first court of swainmote is holden, be held to be verderers within the meaning of this schedule, and any two of them may perform any act or thing by this schedule required or authorised to be done by the verderers at such place and in such manner as the verderers think best calculated to do justice and to carry into effect the purposes of this schedule. 5

SCHEDULE 3.

Election of Verderers.

10

Regulations
as to election
of verderers.

The first election of verderers under this Act shall be held at such time in the month of December, one thousand eight hundred and seventy-seven, as may be directed by the official verderer, but the verderers so elected shall not enter on their office, until the day appointed for holding the first court of swainmote under this Act. 15

Every subsequent election shall be held on such day as the verderers may direct, not being less than fourteen days before the day appointed for the retirement of the verderers, whose places are to be filled up by such election.

The official verderer shall be the returning officer.

20

On every occasion of the election of verderers the returning officer shall convene a meeting of the electors at Lyndhurst for the purpose of such election, and shall give notice of such meeting, and of the time and place at which it is to be held, and the number of vacancies to be filled up.

25

(a.) By advertisement in some one or more of the local newspapers circulating in the county of Southampton; and

(b.) By causing a copy of such notice to be affixed at all places where notices of parochial business are usually affixed in Lyndhurst.

30

The returning officer shall preside and regulate the proceedings at such meeting, but he may be assisted in his duties by such number of officers as he may appoint.

The meeting shall, so far as relates to the nomination of candidates, be deemed to be at an end at the expiration of two hours from the time appointed for the holding of such meeting. 35

At any such meeting as aforesaid any person or persons may, if he or they consent thereto, be nominated by any elector, and seconded by any other elector, as a verderer or verderers. A.D. 1877.

5 If at the expiration of the said two hours no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected, and shall publish in such manner as he thinks best calculated to give information to the electors the names of the candidates elected.

10 If at the expiration of the said two hours more candidates stand nominated than there are vacancies to be filled up, the returning officer shall, if a poll is demanded, adjourn the election and take a poll in manner in this Act mentioned, but if no poll is demanded shall ascertain by show of hands, or otherwise in such manner as he
15 thinks best, the decision of the meeting as to the candidates to be elected, and the decision of the returning officer as to the election of such candidates shall be final.

A demand for a poll may be withdrawn in writing at any time before the close of the meeting, and if so withdrawn shall be deemed
20 never to have been made.

When a poll is demanded the returning officer shall cause a poll to be taken at Lyndhurst and such other place or places, if any, within or near the Forest as he may think fit, on such day as he may appoint, not being less than one clear day nor more than
25 three clear days after the day fixed for the election, and shall give public notice in such manner as he thinks best, of the place or places at which, and the day on which, such poll is to be taken.

In the case of a poll votes shall be given personally.

The poll shall be opened at nine o'clock of the forenoon of the
30 appointed day, and shall close at four o'clock in the afternoon of the same day, except in the case of disturbance, when the closing of the poll may be fixed to take place at such time as the returning officer directs.

The poll at any place of voting may be closed at any time before
35 four of the clock if one hour has elapsed during which no vote has been tendered at such place of voting.

The returning officer shall cause to be entered in the polling books the name and address of every voter, and the manner in which he votes.

40 As soon as possible after the close of the poll the returning officer shall sum up the votes, and the candidate or candidates who have obtained the greatest number of votes shall be deemed to be elected.

A.D. 1877. The returning officer shall publish in such manner he thinks best calculated to afford information to the electors, the names of the candidates elected, and the total number of votes given for each candidate, whether elected or not.

Where an equality of votes is found to exist between any candidates the returning officer may give a casting vote, but the returning officer shall not in any other case be entitled to vote at the election. 5

General
provisions as
to elections.

Whenever the day appointed for the performance of any act in relation to any election is a Sunday, a bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid, and in that case on the day following such excluded day. 10

The expenses of an election of verderers shall be paid out of any funds in the hands of the verderers, and if and so far as those funds prove deficient, the deficiency shall be borne rateably by all the candidates nominated with their own consent at such election. 15

If from any cause whatever an election of verderers does not take place on the day appointed for such election, the retiring verderers if any shall continue in office during the time for which their successors would have continued in office. 20

If from any cause whatever on the occurrence of an election where two verderers ought to be elected one only is elected, such one of the retiring verderers as the other verderers may select shall continue in office during the term for which his successor would if elected have held his office. 25

New Forest.

A

B I L L

To amend the Administration of the Law relating to the New Forest in the County of Southampton ; and for other purposes.

(*Prepared and brought in by*
Mr. William Henry Smith, Mr. Chancellor of the
Exchequer, and Mr. Noel.)

Ordered, by The House of Commons, to be Printed,
30 April 1877.

[Bill 150.]

Under 4 oz.

New Forest Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title of Act.
2. Short titles. Acts relating to the New Forest.
3. Definition of "Forest" and "Register of common rights."
4. "Her Majesty," "Commissioners of Woods."

Exercise of Right of Inclosure.

5. Limitation in area of exercise of right of inclosure.
6. Exercise of rights of Crown within limited area.
7. Appropriation of inclosures.
8. Subject to authorised inclosures Forest to be kept open.

Fence Month and Winter Heyning.

9. Rights of common exerciseable during fence month and winter heyning.

Sales of Intermixed Lands.

10. Restriction on exercise of power of sale by Commissioners of Woods.
11. Appropriation of balance of railway money set apart for the benefit of Her Majesty and the commoners.

Saving for rights of Crown.

12. Saving for rights of Crown.
13. Saving of rights to dues on the part of the Crown.

Amended constitution of Court of Verderers.

14. Constitution of verderers.
15. Qualification of elective verderers.
16. Disqualification of elective verderers.
17. Qualification of electors.
18. Time at which verderers under Act come into office.
19. Rotation of elective verderers.
20. Vacating elective verderers to be re-eligible.
21. Resignation and casual vacancies of elective verderers.

Clause.

Status and Powers of Verderers.

22. Legal status of verderers.
23. Enumeration of powers of verderers.
24. Courts of swainmote to be held by verderers.

Byelaws.

25. Power of verderers to make byelaws.

Application of Schedules.

26. Application of provisions in schedules.

Supplemental Provisions.

27. Remedy in case of difficulty of holding first election of verderers under Act.
28. Default of verderers in holding first court of swainmote.
29. Appeal to High Court of Justice in respect of invalid election.
30. Fine on neglect of duty by returning officer.
31. Fine on illegal acts in respect of election.
32. Mandamus to verderers making default in duty.

Legal Proceedings.

33. Every verderer to have powers, &c. as if he were a justice of the peace, and court of swainmote to be deemed court of petty sessions.
34. Recovery of fines.
35. Disobedience to order of court of swainmote.
36. Appeal from decision of court of swainmote.
37. Exclusion of certiorari.

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38. Application of fines and other moneys received by verderers.

Temporary Provisions.

39. Saving as to existing verderers.

SCHEDULES.

1. Maximum rate and scale of contributions to be levied by verderers.
 2. Register of commoners.
 3. Election of verderers.
-

A
B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Administration of the Law relating to the New Forest in the County of Southampton; and for other purposes. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 Preliminary.

1. This Act may be cited for all purposes as "The New Forest Act, 1877." Short title of Act.

2. The Acts mentioned in the first and second columns of the following table are in this Act referred to by the short titles set forth in the third column of the said table in reference to such Acts respectively :— Short titles.
Acts relating to the New Forest.

TABLE OF ACTS.

Year of Act.	Title of Act.	Short Title by which Act referred to in this Act.
15 9 & 10 Will. III. c. 36., A.D. 1691.	" An Act for the increase and preservation of Timber in the New Forest, in the County of Southampton."	Act of 1698.
48 Geo. III. c. 72., A.D. 1808.	" An Act for the increase and preservation of Timber in Dean and New Forest."	Act of 1808.
20 14 & 15 Vict. c. 76., A.D. 1851.	" An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the said Forest."	Act of 1851.
25		

3. "The Forest" means, for the purposes of this Act, the uninclosed lands whereof Her Majesty is seised in her domain as Definition of "Forest" and 'Re-
[Bill 213.] A

A.D. 1877. of fee, subject to the rights of commoners therein or thereover, situate within the boundaries of the New Forest in the county of Southampton, including all such lands as may at the commencement of this Act be inclosed in pursuance of any commission issued in pursuance of the Act of 1698, the Act of 1808, and the Act of 1851, or any of such Acts.

gister of
common
rights."

"Register of common rights made in pursuance of the Act of 1854" means the register of the decision of claims of rights of common and other rights in and over the New Forest made by the Commissioners acting under the Act of the session of the 10 seventeenth and eighteenth years of the reign of Her present Majesty, chapter forty-nine, intuled "An Act for the settlement of claims upon and over the New Forest."

"Her Majesty,"
"Commissioners of
Woods."

4. The expression "Her Majesty" includes the heirs and successors of Her Majesty, and the expression "the Commissioners of 15 Woods" means the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues, or such one of them as may for the time being have the management or direction of the New Forest.

Exercise of Right of Inclosure.

20

Limitation
in area of
exercise of
right of
inclosure.

5. The right of Her Majesty to inclose any lands in the Forest for the growth of timber or trees, in pursuance of the Act of 1698, the Act of 1808, and the Act of 1851, or any of such Acts, shall be exercised only on such lands as are at the date of the passing of this Act inclosed, or as have previously to such date been inclosed, by 25 virtue of commissions issued in pursuance of the said Acts, or some of them.

Exercise of
rights of
Crown
within
limited area.

6. With respect to the lands in the forest which are at the date of the passing of this Act inclosed, or have previously to such date been inclosed by virtue of any such commission as aforesaid, it 30 shall be lawful for Her Majesty, from time to time, without the issue of any commission, and when and in such manner and as often as to Her Majesty seems meet, to cause any part of such lands to be inclosed, planted, laid open, replanted, or re-inclosed; provided that the whole quantity of such lands under inclosure does not 35 exceed at any one time sixteen thousand acres.

Provided also, as respects the lands in this section mentioned, that in cutting timber or trees for improving the woods, or for sale, care shall be taken to maintain the picturesque character of the ground, and not wholly to level or clear the woods, but to 40 leave from time to time a sufficient number of the most orna-

mental trees ; and to keep the woods replenished from time to time by protecting the self-sown plants, or by planting trees in the vacant spaces, having regard to the ornamental as well as the profitable use of the ground. A.D. 1877.

5 One month's previous notice shall be given to the verderers by the Commissioners of Woods of their intention to inclose, lay open, or re-inclose any lands which Her Majesty has power to inclose under the provisions of this Act, but the verderers shall have no power to object to any such inclosure, laying open, or re-inclosure.

10 7. Any part of such lands as may for the time being be inclosed shall be appropriated to growing timber and trees, and it shall be lawful for Her Majesty to plant in such inclosed part any timber or trees which may be thought expedient, and during the time that it seems meet to Her Majesty to keep such part inclosed for the 15 growth and preservation of timber and trees such part shall remain in severalty in the actual possession of Her Majesty, free from all rights of common, and from all other rights, privileges, and claims whatsoever, except a right of the public to use any public highway which may traverse the said lands. Appropriation of inclosures.

20 8. The ancient ornamental woods and trees in the Forest shall be preserved, and except in so far as is provided by this Act the Forest shall remain open and uninclosed, and wood shall be provided for the satisfaction of fuel rights, without the sacrifice of ornamental timber. Subject to authorised inclosures Forest to be kept open.

25 *Fence Month and Winter Heyning.*

9. In consideration of a payment to Her Majesty by the verderers on behalf of the commoners of the sum of *twenty shillings* on or before the fourteenth day of January in every year as an acknowledgment of the absolute right of Her Majesty to enforce 30 the fence month and winter heyning, it shall be lawful, until otherwise provided by Parliament, for any person entitled to any right of common of pasture in the Forest, to exercise such right during the time of the fence month and during the time of the winter heyning, subject nevertheless to such 35 limitations and restrictions in respect of such right of pasture during the time of the winter heyning as may be imposed by any byelaws made in pursuance of this Act. Rights of common exerciseable during fence month and winter heyning.

If default is made in any year in payment of any such sum of *twenty shillings* as aforesaid, the fence month and winter heyning 40 may during that year be enforced in the same manner as if this section had not passed.

A.D. 1877.

Sales of Intermixed Lands.

Restriction
on exercise
of power of
sale by Com-
missioners of
Woods.

10. The Commissioners of Woods may sell, free from all rights of common, any parcels of land in the Forest which are wholly or in parts surrounded by or intermixed with other lands not the property of the Crown (and which lands so surrounded or inter- 5 mixed are in this Act included under the expression intermixed lands) on condition of the purchase money of such intermixed lands being expended in purchasing and adding to the Forest other land.

Notice shall be given to the verderers of any sales proposed to be made of intermixed lands under this section, and a sale of inter- 10 mixed land shall not be deemed to be completed until the provisions of this section with respect to the investment of the purchase money in other land to be added to the Forest have been complied with, and such addition been made.

Any land purchased by the Commissioners of Woods for the 15 purpose of being added to the Forest shall be deemed to be uninclosed lands, whereof Her Majesty is seised in her domain as of fee, but subject to the rights of the commoners therein and there- over, and to be within the boundaries of the Forest.

Any owner of land in the Forest desirous of purchasing 20 from the Commissioners of Woods any intermixed lands may sell to the Commissioners any part of his land with which such lands are intermixed to such an extent as may be necessary for enabling the Commissioners to add to the Forest the land by this section required to be added; and for the purposes of such sale 25 the provisions of the Lands Clauses Consolidation Acts, 1845 and 1860, with the exception of the provisions relating to the purchase and taking of lands otherwise than by agreement, shall apply.

For the purposes of this section the land added to the Forest on the occasion of any purchase need not be a part of the land 30 belonging to the owner who has made such purchase, but may be part of any other private lands convenient for addition to the Forest and capable of being purchased by the Commissioners of Woods.

Save as in this Act mentioned, sales of any part of the Forest shall be void. 35

Appropriation of
balance of
railway
money set
apart for the
benefit of
Her Majesty
and the
commoners.

11. The balance of purchase money paid into the Bank of England in pursuance of the eighteenth section of the Southampton and Dorchester Railway Act, 1845, being part of the price paid for the lands of the Crown sold under the authority of that Act, and set apart for the benefit of Her Majesty, and the parties 40 entitled to rights of common over the unenclosed portions of the Forest, shall be expended for the benefit of Her Majesty and

the parties entitled to such rights of common as aforesaid within the period of six years immediately succeeding the passing of this Act in such manner as may be determined by the verderers with the assent of the Treasury.

A.D. 1877.

5

Saving for rights of Crown.

12. Nothing in this Act shall take away, abridge, or prejudicially affect any estate, right, title, power, claim, or privilege of Her Majesty in, over, or to the Forest except in so far as is by this Act provided in relation to the exercise of the right of enclosure and the exercise of the right of enforcing the fence month and winter heyning during the payment of such acknowledgment as is in this Act on that behalf mentioned; and in the event of the Forest being disafforested and separate allotments being made to Her Majesty, and to the persons entitled to rights of common in or over the Forest, every estate, right, title, power, claim, and privilege of Her Majesty in, over, or to the Forest, and the rights of the persons so entitled as aforesaid, shall respectively be estimated, valued, and allowed as they would have been if this Act had not been passed, and it is hereby declared that the right of Her Majesty, her heirs and successors, to common of pasture and other rights of common over the Forest in respect of any property belonging to Her Majesty in severalty is unimpaired.

Saving for rights of Crown.

13. Nothing in this Act shall affect or prejudice any right of the Crown to any dues or sums hitherto payable by the commoners or other persons.

Saving of rights to dues on the part of the Crown.

Amended constitution of Court of Verderers.

14. The verderers of the New Forest as constituted under this Act shall consist of six elective verderers and of one official verderer.

Constitution of verderers.

30 No oath or declaration shall be required to be taken by a verderer on his entering on his office.

The official verderer shall be from time to time nominated by Her Majesty under Her sign manual and shall hold office during Her Majesty's pleasure.

35 The first official verderer shall be nominated by Her Majesty on or before the *last day of October one thousand eight hundred and seventy-seven*, but he shall not enter on his office of verderer until the day appointed for holding the first court of swainmote under this Act.

40 The elective verderers shall be elected by the persons and in manner in this Act mentioned.

A.D. 1877.] **15.** A person shall not be qualified to be an elective verderer unless he is the owner of not less than seventy-five acres of land to which some right or rights of common in or over the Forest are attached.

Disqualifica-
tion of
elective
verderers. **16.** A person shall be disqualified from being an elective verderer 5
who—

- (1.) Holds any office or place of profit under the verderers ; or,
- (2.) Participates in the profits of any work done by order of the verderers ; or,
- (3.) Is concerned in or participates in the profit of any contract 10
entered into by the verderers.

Qualification
of electors. **17.** Every person shall be qualified to vote at the election of an elective verderer who possesses the qualifications following, or either of them ; that is to say,

- (1.) Whose name is entered on the list for the time being in force 15
of parliamentary voters of any parish or township which,
or any part of which, is situate within the perambulation
of the Forest ; or
 - (2.) Whose name is entered on the register of persons for the time
being entitled to rights of common in or over the Forest, 20
and in this Act referred to as the register of commoners ;
- a person shall not be qualified to have more than one vote, although he possesses both the above-mentioned qualifications, and save as in this section mentioned no person shall be qualified to vote at the election of a verderer. 25

A person shall not be entitled to have his name entered on the register of commoners under this Act unless his name appears as entitled to rights of common in or over the Forest on the register of common rights made in pursuance of the Act of 1854, or unless such person derives title from some person whose name appears 30
on such deposited register.

Time at
which ver-
derers under
Act come
into office. **18.** The verderers as constituted under this Act shall come into office on the day appointed for holding the first court of swainmote under this Act.

Rotation of
elective
verderers. **19.** The elective verderers shall, as soon as conveniently may be, 35
after their election, divide themselves into three classes by agree-
ment, or if they cannot agree, by lot. The offices of the first class
shall be vacated at the expiration of the second year succeeding
the day of their coming into office, the offices of the second class
shall be vacated at the expiration of the fourth year succeeding 40
the day of their coming into office ; and the offices of the third

class shall be vacated at the expiration of the sixth year succeeding the day of their coming into office. A.D. 1877.

The offices of vacating verderers shall be filled up by an equal number of new verderers to be elected in manner in this Act provided, and every newly elected verderer shall hold his office for the term of *six years* and no longer unless re-elected.

20. Any person on ceasing to be an elective verderer shall, unless disqualified, be re-eligible.

Vacating
elective
verderers to
be re-eligible.

21. An elective verderer may resign on notifying in writing his intention so to do to any court of swainmote, and thereupon shall be deemed to create a casual vacancy.

Resignation
and casual
vacancies of
elective
verderers.

Any casual vacancy in the office of an elective verderer shall be filled up by the elective verderers themselves, but the verderer so chosen shall retain his office so long only as the vacating verderer would have retained the same if such vacancy had not occurred.

An elective verderer dying between the time of his being elected a verderer and the time of his entering his office, shall be deemed to create a casual vacancy.

An elective verderer shall also vacate his office if he absents himself from all courts of swainmote or other meetings of the verderers for not less than *six months*, unless he is prevented from attending by illness, or unless the verderers resolve that it is expedient that such verderer should not vacate his office.

Status and Powers of Verderers.

22. (1.) The verderers as constituted under this Act shall be a body corporate by the name of the Verderers of the New Forest, having a perpetual succession and a common seal, with power to make contracts, and sue and be sued, for the purposes of their constitution, and to hold lands so far as may be necessary for offices or otherwise :
- (2.) An act or proceeding of the verderers shall not be questioned on account of any vacancy or vacancies in their body :
- (3.) A defect in the qualification or election of any elective verderer shall not vitiate any proceedings of a court of swainmote in which he or they have taken part in cases where the majority of verderers, parties to such proceedings, are duly entitled to act :
- (4.) Any minute made of administrative proceedings at meetings of a court of swainmote, if signed either at the meeting of the court, or at the next ensuing meeting of the court, by any person purporting for the time being to be chair-

Legal status
of verderers.

A.D. 1877.

man of the court, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every court where minutes have been so made of the proceedings shall be deemed to have been duly convened and held :

5

- (5.) A verderer by being party to, or executing in his capacity of verderer, any contract or other instrument on behalf of the verderers, or otherwise exercising any of the powers of the verderers shall not be subject individually to any action, suit, trial, prosecution, or other legal proceedings 10 and the verderers may apply any moneys from time to time coming into their hands to the payment of any costs of legal proceedings or damages they may incur in execution of their powers.

- (6.) Any appointment and any contract or other document 15 which is not required by law to be under seal shall be deemed to be well executed if signed by the chairman for the time being of a court of swainmote, such signature being expressed to be by or on behalf of the Verderers of the New Forest. 20

Enumera-
tion of
powers of
verderers.

23. The verderers as constituted under this Act shall have power,—

- (1.) From time to time to appoint and dismiss, with power to increase or diminish their number, such officers and servants as they may deem necessary for the purpose of carry- 25 ing into effect their duties as verderers, and to assign to each officer so appointed his duty and salary ; and
- (2.) To make drifts of the Forest at such time and in such manner as they may think expedient ; and
- (3.) To levy from the commoners in the Forest such sums 30 as the verderers may require for paying the expenses of and incidental to carrying into effect their duties as verderers by means of a rate and payments not exceeding the scales specified in the first schedule hereto ; and
- (4.) To inquire into all unlawful inclosures, purprestures, en- 35 croachments, and trespasses whatsoever within the Forest, and to impose on any person or persons offending for every such offence any fine not exceeding *ten pounds*, and by summary order to direct every such inclosure, purpresture, encroachment, and trespass to be abated ; and 40
- (5.) To punish all such offences, and perform all such acts, powers, authorities, matters, and things, and exercise all

such jurisdiction, as the verderers or any two of them, or the verderers in their court of attachments or swainmote are by any law, statute, or custom directed, authorised, or empowered to punish, do, exercise, or perform. A.D. 1877.

5 **24.** The verderers as constituted under this Act shall hold courts of swainmote for the despatch of the administrative and judicial business to be transacted by them, and shall from time to time make such regulations with respect to the summoning, notice, place, and adjournment of such courts and generally with respect to the
10 transaction and management of business, as they think fit, subject to the following conditions :

Courts of
swainmote
to be held by
verderers.

(a.) The first court of swainmote under this Act shall be summoned on such day in the month of *January one thousand eight hundred and seventy-eight* as may be appointed by
15 the official verderer, or if he fail to appoint a day, on or before the *fourteenth* day of that month, then as may be appointed by the chairman for the time being of the quarter sessions for the county of Southampton, on the application of any commoner or other person interested ;
20 and,

(b.) A court may be summoned at any time on the requisition in writing of any three verderers, or of the official verderer ;
and,

(c.) Every question shall be decided by a majority of votes of the
25 verderers present and voting on that question ; and,

(d.) A court, where another number is not prescribed by this Act, shall be constituted by the presence of three verderers ; and,

(e.) The official verderer shall be chairman of the court ; and,

(f.) If at any court the chairman is not present at the time
30 appointed for holding the same, or within a quarter of an hour afterwards, the verderers present shall choose some one of their number to be chairman of the court ; and,

(g.) In case of an equality of votes at any court when trans-
acting administrative business, the chairman for the time
35 being of such court shall have a second or casting vote.

Byelaws.

25. The verderers as constituted under this Act may from time to time, at any court of swainmote at which not less than five of
40 their number are present, if they think fit, make, and when made alter, add to, or repeal byelaws with respect to any of the following matters ; (that is to say,)

Power of
verderers to
make bye-
laws.

A.D. 1877.

- (1.) The prevention of the spread of contagious or infectious disease in the Forest by excluding or removing from the Forest any animal infected or suspected of being infected, or coming from a place infected or suspected of being infected with a contagious or infectious disease ; and 5
- (2.) The conditions as to time, breed, and otherwise under which stallions, bulls, or other male entire commonable animals are to be allowed to roam at large in the Forest ; and
- (3.) The removal from the Forest of the cattle and other animals belonging to persons not being commoners in the Forest ; 10 and
- (4.) The regulation of the rights of common by the commoners.

Fines (to be recovered summarily) may be imposed by any such byelaws on persons breaking the same, provided that no fine exceeds for any one offence the sum of *two pounds*, or in the case 15 of a continuing offence the sum of *ten shillings* for every day during which such offence is continued after conviction for the first offence.

Any byelaw made in pursuance of this section, and any alteration or addition made therein or thereto, and any repeal of a byelaw, 20 shall not be of any validity until it has been confirmed by the court of general or quarter sessions for the county of Southampton.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed by the said court until the expiration of one month after notice of the 25 intention to apply for confirmation of the same has been given by the verderers in one or more newspapers circulating in the said county ; and any person aggrieved by any such proposed byelaw or alteration in or addition to or repeal of a byelaw may forward notice of his objection to the said court of quarter sessions, which 30 shall take the same into consideration.

Application of Schedules.

Application of provisions in schedules.

26. The provisions contained in the second and third schedules hereto, with respect to the register of commoners and the election of elective verderers shall be of the same force as if they were 35 enacted in the body of this Act.

Supplemental Provisions.

Remedy in case of difficulty of holding first election of verderers under Act.

27. On the application of the official verderer, or of any ten persons qualified under this Act to vote at the election of verderers, and on proof that it is impracticable or inconvenient to hold the 40 first election of verderers as constituted under this Act at the time

appointed the justices of the county of Southampton in general or quarter sessions assembled may postpone the time of holding such election for such period not exceeding two months as they may think fit, and may also postpone the date for holding the first court
 5 of swainmote under this Act to such time, not being more than one month after the date to which the election of verderers is postponed as they may think fit.

A.D. 1877.

28. If the verderers as constituted under this Act make default in holding their first court of swainmote in pursuance of this Act
 10 they shall not thereupon become disqualified from acting, but the justices of the county of Southampton in general or quarter sessions assembled, on the application of any commoner, may make such order as they think fit for the holding of such court of swainmote at some other time, and any order so made shall be deemed to
 15 be an order capable of being removed into the High Court of Justice in pursuance of the Act passed in the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter forty-five, and may be enforced accordingly; and the costs of any such application to the court of general or quarter sessions in pur-
 20 suance of this section shall, unless the court otherwise directs, be defrayed out of the general fund in the hands of the verderers.

Default of
 verderers in
 holding first
 court of
 swainmote.

29. It shall be the duty of Her Majesty's High Court of Justice, upon the application of any person who may be aggrieved by or complain of the election of any verderer, or any proceeding, act, or
 25 matter touching the same (reasonable notice having been given by the adverse party to those affected thereby of such intended application) to proceed forthwith, and in a summary way to hear the affidavits, proofs, and allegations of the parties, or otherwise to inquire into the matter or cause of complaint, and either to confirm
 30 the election so complained of, or to order a new election, or to make such order and give such relief in the premises as right and justice may appear to the court to require; but no such application as aforesaid shall be entertained by the court unless it is made within one month after the election has taken place in respect of which
 35 the complaint is made; and no such election shall be declared invalid by reason of any defect in the title of the returning officer.

Appeal to
 High Court
 of Justice
 in respect of
 invalid elec-
 tion.

30. If the returning officer refuses or neglects to comply with any enactment of this Act relating to the election of verderers he shall be liable on summary conviction, before two justices of the
 40 peace, to a fine not exceeding *twenty pounds*.

Fine on
 neglect of
 duty by
 returning
 officer.

31. Any person who personates any person entitled to vote at any election of a verderer, or falsely assumes to act in the name or
 [213.]

Fine on
 illegal acts
 in respect
 of election.

A.D. 1877. on behalf of any person so entitled to vote, shall be liable on summary conviction, before two justices of the peace, to a fine not exceeding *ten pounds*, or, in the discretion of the court by whom he is convicted, to imprisonment, with or without hard labour, for any period not exceeding *one month*. 5

Mandamus to verderers making default in duty.

32. If the verderers make default in causing any act or thing to be done which may be required or authorised to be done in relation to the register of commoners or otherwise for the purpose of the election of verderers in pursuance of this Act, Her Majesty's High Court of Justice may, upon the application of any person entitled 10 or claiming to be entitled to vote at the election of the verderers made in a summary manner issue a mandamus for remedying each default.

Legal Proceedings.

Every verderer to have powers, &c. as if he were a justice of the peace, and court of swainmote to be deemed court of petty sessions.

33. Each of the verderers as constituted under this Act shall, for 15 all the purposes of his office, have the same powers and jurisdiction as if he were a justice of the peace acting in and for the Forest, and such Forest were a county; and a court of swainmote when transacting judicial business shall have the same power and jurisdiction as if it were a court consisting of two or more justices 20 of the peace, sitting for the transaction of business within the purview of their commissions as justices at some court or other public place at which justices are for the time being accustomed to assemble for holding special or petty sessions, and as if the Forest 25 were a petty sessional division.

Where any seal is required to be affixed to any summons, warrant, conviction, or other document in pursuance of the Summary Jurisdiction Act in this Act mentioned, the seal of the verderers shall be deemed to be a proper and sufficient seal.

Recovery of fines.

34. Every sum of money which the verderers are empowered to 30 collect or levy under this Act may be recovered as a fine, and all offences and fines capable of being prosecuted or recovered before a court of swainmote or before the verderers or any two of them, or the verderers in their court of attachments, shall be prosecuted and recovered in manner provided by the Summary 35 Jurisdiction Act.

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to 40 " facilitate the performance of the duties of justices of the peace 40 " out of sessions within England and Wales with respect to sum-

“ many convictions and orders,” inclusive of any Acts amending the same. A.D. 1877.

35. Any person disobeying any summary order of a court of swainmote made in pursuance of this Act shall incur a fine not exceeding *one pound* for every day during which such disobedience continues ; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than seven days or such other period less than seven days as may be prescribed by such order, the court may, in addition to any fine it may impose, appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly as a fine in the court of swainmote.

Disobedience
to order of
court of
swainmote.

36. Any person aggrieved by a decision of a court of swainmote under this Act may appeal therefrom, subject to the conditions and regulations following :

Appeal from
decision of
court of
swainmote.

- (1.) The appeal shall be made to the next practicable court of general or quarter sessions for the County of Southampton, holden not less than twenty-one days after the giving of the decision from which the appeal is made ; and
- (2.) The appellant shall, within ten days after the giving of the decision from which the appeal is made, give notice in manner prescribed by the verderers to the other party and to the court of swainmote of his intention to appeal, and the ground thereof ; and
- (3.) The appellant shall, within three days after giving such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise as the justice may allow ; and
- (4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :
- (5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of swainmote, or remit the matter

A.D. 1877.

to the court, with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

5

Exclusion of
certiorari.

37. An order or conviction made by a court of swainmote shall not be quashed for want of form, and shall not be removed by certiorari or otherwise, at the instance either of the Crown or of any private party into any superior court.

Provided, that nothing in this section shall prevent the removal 10
of a special case stated for the opinion of a superior court, or of any order or conviction to which such case relates. Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been 15
convicted.

Application of Moneys.

Application
of fines
and other
moneys re-
ceived by
verderers.

38. All fines and other moneys recovered in the court of the verderers, or received by the verderers under this Act, shall be 20
carried by them to the account of a general fund, and shall be applied in payment of the salaries of the officers and servants employed by them, and in defraying their other expenses under this Act.

An account of the moneys paid into such fund and of the application thereof shall be made out annually, and shall be 25
audited by a person to be annually appointed by the court of general or quarter sessions for the county of Southampton, and there shall be paid to such auditor in respect of his services by the verderers such sum as may be fixed by the said court of general or 30
quarter sessions.

A summary of the annual accounts of the verderers at each audit thereof, shall be published in some newspaper circulating in the county of Southampton, and any commoner shall be entitled to a printed copy of such summary on payment of such sum not exceeding *one shilling* as may be prescribed by the verderers. 35

Any commoner may on payment of such sum, not exceeding *five shillings*, as may be prescribed by the verderers, inspect at any reasonable hour the accounts of the verderers, and take copies of or extracts from such accounts on payment of a further sum not exceeding *five shillings* for every hour, during which he may be 40
occupied in taking such copies or extracts.

Temporary Provisions.

A.D. 1877.

39. The verderers in office at the date of the passing of this Act shall continue in office until the day appointed for holding the first court of swainmote under this Act and no longer. Saving as to existing verderers.

5 Any one or more of the verderers in office at the date of the passing of this Act, who on or before the *first day of December one thousand eight hundred and seventy-seven* notifies in writing to the official verderer his wish to be an elective verderer, shall be entitled to take his seat as an elective verderer under this
10 Act, in the same manner in all respects as if he had been in fact elected an elective verderer at the first election of verderers held under this Act, and the provisions of this Act relating to qualification shall not apply to him.

If any vacancy occurs in the office of verderer before the day
15 appointed for holding the first court of swainmote under this Act the remaining verderers for the time being in office may elect a person qualified to be an elective verderer under this Act to fill the office of verderer, but the person so appointed shall continue in office only until the day appointed for the holding of such first
20 court as aforesaid.

The verderers for the time being in office before the day appointed for holding the first court of swainmote under this Act are in this Act referred to as existing verderers.

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SCHEDULE 1.

Maximum Rate and Scale of Contributions to be levied by Verderers.

1. An annual rate upon property to which rights of common of pasture, turbary, or pannage attach, not exceeding one penny in the pound on the rateable value of such property ; and 5

2. Payments for the following matters, viz.:—

- | | | |
|--|--|----|
| (a.) For marking every head of cattle including horses, donkeys, and mules, entitled to be in the Forest | Not to exceed
Two shillings and sixpence. | 10 |
| For marking every sheep entitled to be in the Forest | One shilling. | |
| (b.) For every thousand turves | Sixpence. | |
| (c.) For every pig turned out in pannage time | One shilling. | |

The contributions in this schedule mentioned are independent 15
of any dues or sums payable to the Crown.

SCHEDULE 2.

Register of Commoners.

Register of
commoners
for purpose
of election of
verderers.

A register of commoners shall be kept by the verderers at Lyndhurst, on which they shall insert the name of any person entitled to 20
rights of common in or over the Forest on his making application to have his name so inserted, and on his adducing such proof as may be required by the verderers that the name of the applicant appears on the register of common rights made in pursuance of the Act of 1854, or that the applicant derives title from some person 25
whose name appears on such deposited register.

The applications of claimants to be entered on the register shall be in such form and be made at such time or times in the months of September or October in every year as may from time to time be prescribed by the verderers. The verderers shall give notice in 30
such manner as they may think best calculated to give information to the commoners of the right of persons to claim to have their names entered on the register of commoners, and of the time or times at which and the mode in which such claims are to be made.

Where any commoner is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband shall be entitled to be entered in the list as a voter in the place of such minor, person of unsound mind, or married woman.

5 Where a corporation aggregate, a joint stock or other company, or any body of proprietors is entitled to rights of common, including Her Majesty the Queen, such corporation, company, or body of proprietors, including as aforesaid, shall be entitled to vote as one proprietor by proxy appointed in writing under the common
10 seal in the case of a corporation, or under the hands of three directors or other persons having the direction or management in the case of an unincorporated body, or under the hands of the Commissioners of Woods, or either of them, in the case of Her Majesty the Queen.

15 Where several persons are joint tenants, coparceners, or tenants in common in respect of rights of common, they shall in respect of such rights be considered as one proprietor only, and such one of them only and no other shall be entitled to vote in respect of such rights as may be entered on the register of commoners, with the
20 consent in writing of the majority of the persons interested, or in the case of such persons being equally divided as may be selected by the verderers.

The verderers shall, in the first week in November in every year, publish a notice in some newspaper circulating in their district
25 stating that the register of commoners is prepared and ready for inspection at the office of the verderers at Lyndhurst, and appointing, in the month of November, a day or days at which any person interested may apply to the verderers to correct the register by inserting or expunging the name of any commoner.

30 The verderers shall, on the appointed day or days, hear any objections or claims that may be made. They shall allow such claims or objections as appear to them to be established, and shall amend the register accordingly.

The register as settled by the verderers in the month of November
35 in every year shall be conclusive evidence of the persons entitled to vote as commoners at any election of verderers during the ensuing twelve months.

The verderers may alter the several dates prescribed for doing the several acts and things in this schedule mentioned, so that they do
40 not give a less time than is by this schedule given for doing the said acts and things.

A.D. 1877. The existing verderers shall, so far as respects any act or thing to be done by the verderers in pursuance of this schedule before the date at which the first court of swainmote is holden, be held to be verderers within the meaning of this schedule, and any two of them may perform any act or thing by this schedule required or authorised to be done by the verderers at such place and in such manner as the verderers think best calculated to do justice and to carry into effect the purposes of this schedule. 5

SCHEDULE 3.

Election of Verderers.

10

Regulations
as to election
of verderers.

The first election of verderers under this Act shall be held at such time in the month of December, one thousand eight hundred and seventy-seven, as may be directed by the official verderer, but the verderers so elected shall not enter on their office, until the day appointed for holding the first court of swainmote under this Act. 15

Every subsequent election shall be held on such day as the verderers may direct, not being less than fourteen days before the day appointed for the retirement of the verderers, whose places are to be filled up by such election.

The sheriff of the county of Southampton shall be the returning officer. 20

On every occasion of the election of verderers the returning officer shall convene a meeting of the electors at Lyndhurst for the purpose of such election, and shall give notice of such meeting, and of the time and place at which it is to be held, and the number of vacancies to be filled up. 25

(a.) By advertisement in some one or more of the local newspapers circulating in the county of Southampton; and

(b.) By causing a copy of such notice to be affixed at all places where notices of parochial business are usually affixed in Lyndhurst. 30

The returning officer shall preside and regulate the proceedings at such meeting, but he may be assisted in his duties by such number of officers as he may appoint.

The meeting shall, so far as relates to the nomination of candidates, be deemed to be at an end at the expiration of two hours from the time appointed for the holding of such meeting. 35

At any such meeting as aforesaid any person or persons may, if he or they consent thereto, be nominated by any elector, and seconded by any other elector, as a verderer or verderers. A.D. 1877. —

If at the expiration of the said two hours no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidates who may stand nominated to be elected, and shall publish in such manner as he thinks best calculated to give information to the electors the names of the candidates elected.

10 If at the expiration of the said two hours more candidates stand nominated than there are vacancies to be filled up, the returning officer shall, if a poll is demanded, adjourn the election and take a poll in manner in this Act mentioned, but if no poll is demanded shall ascertain by show of hands, or otherwise in such manner as he
15 thinks best, the decision of the meeting as to the candidates to be elected, and the decision of the returning officer as to the election of such candidates shall be final.

A demand for a poll may be withdrawn in writing at any time before the close of the meeting, and if so withdrawn shall be deemed
20 never to have been made.

When a poll is demanded the returning officer shall cause a poll to be taken at Lyndhurst and such other place or places, if any, within or near the Forest as he may think fit, on such day as he may appoint, not being less than one clear day nor more than
25 three clear days after the day fixed for the election, and shall give public notice in such manner as he thinks best, of the place or places at which, and the day on which, such poll is to be taken.

Mode of
taking poll.

In the case of a poll votes shall be given personally.

The poll shall be opened at nine o'clock of the forenoon of the
30 appointed day, and shall close at four o'clock in the afternoon of the same day, except in the case of disturbance, when the closing of the poll may be fixed to take place at such time as the returning officer directs.

The poll at any place of voting may be closed at any time before
35 four of the clock if one hour has elapsed during which no vote has been tendered at such place of voting.

The returning officer shall cause to be entered in the polling books the name and address of every voter, and the manner in which he votes.

40 As soon as possible after the close of the poll the returning officer shall sum up the votes, and the candidate or candidates who have obtained the greatest number of votes shall be deemed to be elected.

A.D. 1877. The returning officer shall publish in such manner he thinks best calculated to afford information to the electors, the names of the candidates elected, and the total number of votes given for each candidate, whether elected or not.

Where an equality of votes is found to exist between any candidates the returning officer may give a casting vote, but the returning officer shall not in any other case be entitled to vote at the election.

General
provisions as
to elections.

Whenever the day appointed for the performance of any act in relation to any election is a Sunday, a bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid, and in that case on the day following such excluded day.

The expenses of an election of verderers shall be paid out of any funds in the hands of the verderers, and if and so far as those funds prove deficient, the deficiency shall be borne rateably by all the candidates nominated with their own consent at such election.

If from any cause whatever an election of verderers does not take place on the day appointed for such election, the retiring verderers if any shall continue in office during the time for which their successors would have continued in office.

If from any cause whatever on the occurrence of an election where two verderers ought to be elected one only is elected, such one of the retiring verderers as the other verderers may select shall continue in office during the term for which his successor would if elected have held his office.

New Forest.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Administration of the Law
relating to the New Forest in the
County of Southampton ; and for
other purposes.

(*Prepared and brought in by*
Mr. William Henry Smith, Mr. Chancellor of the
Exchequer, and Mr. Noel.)

Ordered, by The House of Commons, to be Printed,
22 June 1877.

[Bill 213.]

Under 4 oz.

Newspapers Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Particulars to be printed in newspapers with supplements.
Penalty for omission.
 2. No person to print or publish a newspaper until a declaration be made and delivered at the Crown Office. Fresh declaration to be made in certain cases. Before whom declarations are to be made. Penalty if the declaration be false or defective.
 3. Penalty for publishing newspaper before declaration duly made.
 4. Queen's attorney and coroner to deliver certified copies of declarations, and the same to be received in evidence. After production of the declaration; and a newspaper intituled as therein mentioned, it shall not be necessary to prove the purchase of the paper. Penalty on unauthorised persons giving certificates.
 5. Service of process at the place of printing or publishing mentioned in the declaration shall be deemed sufficient.
 6. Titles of newspapers and names of printers and publishers to be entered in a book.
 7. Names and addresses of printers and publishers of newspapers to be published in each copy.
 8. Recovery of pecuniary penalties.
 9. Actions for penalty or forfeiture to be brought in name of Attorney General or Lord Advocate.
 10. Remission by Her Majesty of penalty, &c.
 11. Short title and date of commencement of the Act.
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A
B I L L

TO

Provide for the Registration of Newspapers, and to amend the Law relating to Libels therein. A.D. 1877.

WHEREAS it is expedient that greater facilities should be given for the proof of the publication of libel in newspapers :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every sheet or piece of paper which shall be published as a supplement to any newspaper, except the "London Gazette," shall be printed with the same title and date as the newspaper to which it shall be or shall purport to be a supplement, with the addition of the words "supplement to," or of words to the like effect, prefixed to such title. And if any sheet or piece of paper shall be published as a supplement to any newspaper, such supplement not having printed thereon the several particulars by this Act required 10 to be printed thereon, and in the manner and form by this Act directed, the publisher of such newspaper and supplement respectively shall, for every such sheet or piece of paper so published as a supplement, and for every copy thereof, forfeit the sum of *twenty pounds*. Particulars to be printed in newspapers with supplements.

2. No person shall print or publish, or shall cause to be printed or published, any newspaper before there shall be delivered for the purpose of registration to the Queen's coroner and attorney at the Crown Office of the Queen's Bench Division of the High Court of Justice in England a declaration in writing, containing the 25 several matters and things herein-after for that purpose specified; that is to say, No person to print or publish a newspaper until a declaration be made and delivered at the Crown Office.

1. The correct title of the newspaper to which the same shall relate :

[Bill 8.]

A

A.D. 1877.
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2. The true description of the house or building wherein such newspaper is intended to be printed, and also of the house or building wherein such newspaper is intended to be published by or for or on behalf of the proprietor thereof :
3. The true name, addition, and place of abode of every person 5 who is intended to be the printer, or to conduct the actual printing of such newspaper, and of every person who is intended to be the publisher thereof, and of every person who shall be a proprietor of such newspaper who shall be resident out of the United Kingdom, and also of every 10 person resident in the United Kingdom who shall be a proprietor of the same if the number of such last-mentioned persons (exclusive of the printer and publisher) shall not exceed two, and in case such number shall exceed two, then of such two persons being such proprietors resident in the 15 United Kingdom the amount of whose respective proportional shares in the property or in the profit or loss of such newspaper shall not be less than the proportional share of any other proprietor thereof resident in the United Kingdom, exclusive of the printer and publisher; and also where the 20 number of such proprietors resident in the United Kingdom shall exceed two the amount of the proportional shares or interests of such several proprietors whose names shall be specified in such declaration.

And every such declaration shall be made and signed by every 25 person named therein as printer or publisher of the newspaper to which such declaration shall relate, and by such of the said persons named therein as proprietor as shall be resident within the United Kingdom; and a declaration of the like import shall be made, signed, and delivered in like manner, whenever and so often 30 as any share, interest, or property soever in any newspaper named in any such declaration shall be assigned, transferred, divided, or changed by act of the parties, or by operation of law so that the respective proportional shares or interests of the persons named in any such declaration as proprietors of 35 such newspaper, or either of them, shall respectively become less than the proportional share or interest of any other proprietor exclusive of the printer and publisher. And also whenever and so often as any printer, publisher, or proprietor named in any such declaration, or the person conducting the actual printing of the news- 40 paper named in any such declaration, shall be changed or shall change his place of abode, and also whenever and so often as the

Fresh declaration to be made in certain cases.

- title of any such newspaper or the printing office or the place of publication thereof shall be changed, and also whenever in any case or on any occasion or for any purpose the said Queen's coroner and attorney, or any officer by him authorised in that behalf, shall
 5 require such declaration to be made, signed, and delivered, and shall cause notice in writing for that purpose to be served upon any person or to be left or posted in any place mentioned in the last preceding declaration delivered as aforesaid as being a printer, publisher, or proprietor of such newspaper respectively; and every
 10 such declaration shall be made before the said Queen's coroner and attorney, or before any officer appointed by him either generally or specially in that behalf; and the said Queen's coroner and attorney and such officer or other person are hereby generally and respectively authorised to take and receive such declaration as aforesaid;
 15 and if any person shall knowingly and wilfully sign and make any such declaration in which shall be inserted or set forth the name, addition, or place of abode of any person as a proprietor or publisher, printer, or conductor of the actual printing of any newspaper, to which such declaration shall relate who shall not be a
 20 proprietor or publisher thereof, or from which shall be omitted the name, addition, or place of abode of any proprietor, publisher, printer, or conductor of the actual printing of such newspaper, contrary to the true meaning of this Act, or in which any matter or thing required by this Act to be set forth shall be set forth other-
 25 wise than according to the truth, or from which any matter or thing required by this Act to be truly set forth shall be entirely omitted, every such offender being convicted thereof shall be deemed guilty of a misdemeanor.

A.D. 1877.

Before whom
 declarations
 are to be
 made.

Penalty if
 the declara-
 tion be false
 or defective.

3. If any person shall knowingly and wilfully print or publish,
 30 or shall cause to be printed or published, or either as a proprietor or otherwise sell or deliver out any newspaper relating to which such declaration as aforesaid, containing such matters and things as are required by this Act to be therein contained, shall not have been duly signed and made and delivered when and so often as by this
 35 Act is required, or any other matter or thing required by this Act to be done or performed shall not have been accordingly done or performed, every person in any such case offending shall forfeit for every such act done the sum of *fifty pounds* for every day on which any such newspaper shall be printed or published, sold or delivered
 40 out, before or until such declaration shall be signed and made and delivered or before or until such other matter or thing shall be done or performed as by this Act is directed.

Penalty for
 publishing
 newspaper
 before de-
 claration
 duly made.

A.D. 1877.

4. All such declarations as aforesaid shall be registered, filed, and kept in the said Crown Office for the safe custody thereof, and copies thereof, certified to be true copies as by this Act is directed, shall respectively be admitted in all proceedings, civil and criminal, and upon every occasion whatsoever touching any newspaper mentioned in any such declaration, or touching any publication, matter, or thing contained in any such newspaper, as conclusive evidence of the truth of all such matters set forth in such declaration as are hereby required to be therein set forth, and of their continuance respectively in the same condition down to the time of the commencement of such proceedings against every person who shall have signed such declaration, unless it shall be proved that previous to such time such person became lunatic, or that previous to the publication in question or such trial such person did duly sign and make a declaration that such person had ceased to be a printer, publisher, or proprietor of such newspaper, and did duly deliver the same to the said Queen's coroner and attorney at the Crown Office as aforesaid, or unless it shall be proved that previous to such occasion as aforesaid a new declaration of the same or a similar nature respectively, or such as may be required by law, was duly signed and made and delivered as aforesaid respecting the same newspaper, in which the person sought to be affected on such trial did not join; and the said Queen's coroner and attorney shall, upon application made to him by any person requiring a copy certified according to this Act of any such declaration as aforesaid, in order that the same may be produced in any civil or criminal proceeding, deliver such certified copy, or cause the same to be delivered, to the person applying for the same, upon payment of the sum of *one shilling* and no more; and in all proceedings and upon all occasions whatsoever any document purporting to be a copy of any such declaration as mentioned in the third section of this Act, shall, if such declaration be certified to be a true copy under the hand of the said Queen's coroner and attorney, be received in evidence against any and every person named in such declaration as a person making or signing the same as sufficient proof of such declaration, and that the same was duly signed, delivered, and made according to this Act, and of the contents thereof; and every such copy so produced and certified shall have the same effect for the purpose of evidence against any and every such person named therein as aforesaid to all intents whatsoever as if the original declaration, of which the copy so produced and certified shall purport to be a copy, had been produced in evidence and been proved to have been duly signed, delivered, and made by

Queen's attorney and coroner to deliver certified copies of declarations, and the same to be received in evidence.

the person appearing by such copy to have signed and made the same as aforesaid; and whenever a certified copy of any such declaration shall have been produced in evidence as aforesaid against any person having signed and made such declaration, and a newspaper shall afterwards be produced in evidence, intituled in the same manner as the newspaper mentioned in such declaration is intituled, and wherein the name of the printer and publisher and the place of printing shall be the same as the name of the printer and publisher and the place of printing mentioned in such declaration, or shall purport to be the same, whether such title, name, and place printed upon such newspaper shall be set forth in the same form of words as is contained in the said declaration, or in any form of words as is contained in the said declaration, or in any form of words varying therefrom, it shall not be necessary for the plaintiff, informant, or prosecutor, in any action, prosecution, or other proceeding, to prove that the newspaper to which such action, prosecution, or other proceeding may relate was purchased of the defendant, or at any house, shop, or office belonging to or occupied by the defendant, or by his servants or workmen, or where he may usually carry on the business of printing or publishing such newspaper, or where the same may be usually sold; and if any person, not being the said Queen's coroner and attorney, shall give any certificate purporting to be such certificate as aforesaid, or shall presume to certify any of the matters or things by this Act directed to be certified by the said Queen's coroner and attorney, or shall knowingly and wilfully falsely certify that any copy of any declaration is a true copy of the declaration of which the same is certified to be such copy, the same not being such true copy, every person so offending shall forfeit the sum of *one hundred pounds*.

A.D. 1877.

After production of the declaration, and a newspaper intituled as therein mentioned, it shall not be necessary to prove the purchase of the paper.

Penalty on unauthorised persons giving certificates.

5. In any suit, prosecution, or proceeding, civil or criminal, against any printer, publisher, or proprietor of any newspaper, service at the house or place mentioned in any such declaration as aforesaid as the house or place at which such newspaper is printed or published, or intended so to be, of any notice or other matter required or directed by this Act to be given or left, or of any summons, claim, subpoena, rule, order, writ, or process of what nature soever either to enforce an appearance, or for any other purpose whatsoever, shall be taken to be good and sufficient service thereof respectively upon and against every person named in such declaration as the printer, publisher, or proprietor of the newspaper mentioned in such declaration.

Service of process at the place of printing or publishing mentioned in the declaration shall be deemed sufficient.

A.D. 1877.

Titles of
newspapers
and names of
printers and
publishers to
be entered in
a book.

6. The said Queen's coroner and attorney shall cause to be entered in a book to be kept at the said Crown Office the title of every newspaper so registered as aforesaid, and also the names of the printers and publishers thereof, as the same appear in the declarations required by this Act to be made relating to such 5 newspapers respectively; and all persons shall have free liberty to search and inspect the said book from time to time during the hours of business at the said offices upon payment of a fee of *one shilling*.

Names and
addresses of
printers and
publishers of
newspapers
to be pub-
lished in
each copy.

7. At the end of every newspaper, and of any and every supple- 10 ment sheet or piece of paper, shall be printed the Christian name and surname, addition, and place of abode of the printer and publisher of the same, and also a true description of the house or building wherein the same is actually printed and published respectively, and the day of the week, month, and year on which 15 the same is published; and if any person shall knowingly and wilfully print or publish, or cause to be printed or published, any newspaper or supplement thereto whereon the several particulars aforesaid shall not be printed, or whereon there shall be printed any false name, addition, place, or day, or whereon there shall be printed any 20 description of the place of printing or publishing such newspaper, which shall be different in any respect from the description of the house or building mentioned in the declaration required by this Act to be made relating to such newspaper as the house or building wherein such newspaper is intended to be printed or published, 25 every such person shall for any and every such offence forfeit the sum of *twenty pounds*.

Recovery of
pecuniary
penalties.

8. Every pecuniary penalty imposed by this Act exceeding the sum of *twenty pounds* shall be recovered by action in any of Her Majesty's superior courts of law at Westminster or in Dublin, or 30 any court substituted for the same respectively, or in the Court of Session in Scotland.

Any other pecuniary penalty imposed by this Act the recovery of which is not herein otherwise provided for shall be recovered as follows:—

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In England or Ireland such pecuniary penalty shall be recovered by summary proceedings before any justice of the peace in or near to the place where the offence was committed, or where the offender may at any time be under the Act of the eleventh and twelfth years of Her Majesty, chapter forty-three, or any Act 40 amending the same (as to England), and as to Ireland within the

A.D. 1877.

police district of Dublin metropolis, under the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere under the Petty Sessions (Ireland) Act, 1851, and the Acts amending the

5

In Scotland any such pecuniary penalty shall, on conviction of the offence in any action or complaint at the instance of the procurator fiscal of the county where the offence is committed or where the offender may at any time be, or at the instance of any party to whom the same or part thereof is made payable or the performance of whose duty under this Act may require the enforcement of the provisions in respect of the breach of which such penalty is imposed, with the concurrence of the procurator fiscal, before the sheriff or any two or more justices of such county, be levied by poinding and sale of the offender's goods and effects by warrant under the hands of such sheriff or justices, or by imprisonment for any time not exceeding *three months*.

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"The Small Penalties Act, 1865," and "The Small Penalties (Ireland) Act, 1873," or any Act amending or substituted for the same, shall not apply to any penalty imposed under this Act in respect to which any period of imprisonment is herein specified.

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9. Every action for a penalty or forfeiture under this Act shall be brought in the name of Her Majesty's Attorney General for England or Ireland, or of the Lord Advocate for Scotland, as the case may be.

Actions for penalty or forfeiture to be brought in name of Attorney General or Lord Advocate.

30

10. It shall be lawful for Her Majesty to remit in whole or in part any penalty, fine, or forfeiture imposed or recovered for any offence against this Act, whether on indictment, information, or summary conviction, or by action, or any other process.

Remission by Her Majesty of penalty, &c.

11. This Act may be cited as the "Newspapers Registration Act, 1877," and shall come into operation on the first day of September one thousand eight hundred and seventy-seven.

Short title and date of commencement of the Act.

Newspapers Registration.

A

B I L L

To provide for the Registration of Newspapers, and to amend the Law relating to Libels therein.

(*Prepared and brought in by*
Mr. Waddy, Sir Charles Russell, and Mr. Cole.)

Ordered, by The House of Commons, to be Printed,
9 February 1877.

[Bill 8.]

Under 2 oz.

Norfolk and Suffolk Fisheries Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- Preamble.
 - 1. Short title.
 - 2. Limits of Act.
 - 3. Board of Conservators appointed.
 - 4. How vacancies to be filled up.
 - 5. Board to be a body corporate.
 - 6. Vacancies in Board and defect in appointment of members.
 - 7. Proceedings of Board.
 - 8. Appointment of committees.
 - 9. Evidence of proceedings at meetings.
 - 10. Powers of Board.
 - 11. Board may make byelaws.
 - 12. Byelaws come into force on certain conditions.
 - 13. Penalty for offences against byelaws.
 - 14. Power to officers of Conservators or police officers to stop and search boats, &c.
 - 15. Penalty for not allowing search.
 - 16. Recovery of penalties.
 - 17. Offences committed on boundary.
 - 18. Preservation of rights of Norwich Corporation and Great Yarmouth Commissioners.
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A
B I L L

TO

Preserve the Fisheries in the Navigable Rivers and Broad
of the counties of Norfolk and Suffolk and the city of
Norwich. A.D. 1877.
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WHEREAS the fisheries in the navigable rivers of the counties Preamble.
of Norfolk and Suffolk and the county of the city of Norwich,
and of the broads connected with such rivers, have of late years
been greatly injured, and it is expedient that better provision be
5 made for preserving and increasing the same, but that object
cannot be accomplished without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ;
and be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
10 and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. This Act may be cited for all purposes as the "Norfolk and Short title.
Suffolk Fisheries Act, 1877."

2. This Act shall extend and apply only to the navigable rivers Limits of
Act.
15 in the counties of Norfolk and Suffolk and the county of the city
of Norwich, and to the broads connected with such rivers, and shall
not include the sea or sea coast.

3. The justices of the peace of the counties of Norfolk and Board of
Conservators
appointed.
Suffolk and of the city and county of the city of Norwich, at any
20 court of quarter sessions held in and for their respective counties
after the passing of this Act (due notice having been previously
given according to the practice of such sessions), shall have power
to appoint conservators as follows ; (that is to say,) the justices of
the county of Norfolk twenty conservators, the justices of the
25 county of Suffolk twenty conservators, and the justices of the city
and county of the city of Norwich ten conservators, which conser-
vators shall be a Board of Conservators (herein-after called "the
Board") for the preservation and regulation of the fisheries within
the limits of this Act.

[Bill 117.]

A 2

A.D. 1877.

How vacancies to be filled up.

4. Whenever any vacancy in the office of conservator shall occur, the same may at any time be filled up by the justices assembled at general or quarter sessions as follows; viz., if the vacancy be caused by a conservator for the county of Norfolk, by the justices for Norfolk assembled at Norwich; if the vacancy be caused by a conservator for the county of Suffolk, by the justices for Suffolk assembled at Ipswich; and if the vacancy be caused by a conservator for Norwich, then by the justices for Norwich.

Board to be a body corporate.

5. The Board shall be a body corporate, having perpetual succession and a common seal, with power to make contracts and to sue and be sued, by the name or style of "The Conservators of the Norfolk and Suffolk Fisheries."

Vacancies in Board and defect in appointment of members.

6. No act or proceeding of the Board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the appointment of any person or persons acting as member or members of such Board shall be deemed to vitiate any proceedings of such Board in which he or they have taken part.

Proceedings of Board.

7. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of business, including the quorum of meetings, as they think fit, subject to the following conditions:

- (a.) The first meeting after the formation of the Board shall be held at the Shire Hall in the county of Norfolk, within three months after the passing of this Act, and all subsequent meetings at such place or places as the Board may from time to time direct:
- (b.) An extraordinary meeting may be summoned at any time and place on the requisition of three members of the Board:
- (c.) The quorum to be fixed by the Board shall consist of not less than three members:
- (d.) Every question shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

Appointment of committees.

8. The Board may appoint committees of their members, may fix a quorum for each committee, and may lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in

the event of an equality of votes the chairman for the time being shall have a second or casting vote. A.D. 1877.

9. Any minute made of proceedings at a meeting of the Board, if signed by the chairman of that meeting, either at the meeting of the Board at which such proceedings took place, or at the next ensuing meeting of the Board at which such person may be present, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. Evidence of proceedings at meetings.

10. The Board shall have power within the limits of this Act to do the following things, or such of them as they may in their discretion think expedient; (that is to say,) Powers of board.

(1.) From time to time, by writing under the seal of the Board, to appoint a sufficient number of water bailiffs and other officers, to assign to them their salaries and duties, and to remove any water bailiff or officer so appointed: Provided always, that nothing herein contained shall prevent the Board from obtaining the services of additional constables under the Act 3rd and 4th Victoria, chapter 88, section 19, for the purpose of carrying out the provisions of this Act, such constables, when appointed, to have all the powers and privileges of water bailiffs, and to be paid for their services by the said Board:

(2.) To take legal proceedings against persons violating the provisions of this Act:

(3.) Generally to execute such works, do such acts, and incur such expenses as they may deem expedient to be executed, done, or incurred for carrying out the purposes of this Act, but so that it shall not be lawful for the Board to pay to any member of the Board any salary, fees, or other remuneration for his acting in any way as a member of or under the Board:

Provided that this section shall not authorise anything to be done which may injuriously affect any navigable river, cut, or inland navigation.

11. The Board shall have power to make, and similarly from time to time to vary or rescind, byelaws for any or all of the purposes following; (that is to say,) Board may make bye-laws.

(1.) To determine the time in each year during which it shall be illegal to fish for, take, or kill, or attempt to take or kill,

A.D. 1877.

otherwise than by rod or line, all or any of the different kinds of fresh-water fish found within the limits of this Act :

- (2.) To regulate the use of nets, and to determine the mesh, size, and description of nets, and to regulate or prohibit wholly 5 or in part the use of nets, engines, trimmers, liggers, or instruments of any kind for the purpose of taking fish within the limits of this Act.

Byelaws
come into
force on
certain con-
ditions.

12. Any byelaws made in pursuance of this Act shall come into force only when the following conditions have been complied 10 with :

- (1.) They shall have been advertised as proposed byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk :
- (2.) They shall, after the expiration of *one month* after such 15 advertisement, have been approved by one of Her Majesty's Principal Secretaries of State :

Provided always, that all byelaws made in pursuance of this Act shall be advertised as approved byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk, 20 and shall be further published in such manner as the Board shall think fit; and the production of a written or printed copy of any byelaws purporting to have been made by the Board, and approved by a Secretary of State, shall in any legal proceedings be taken to be proof of the due making, allowing, publication, and existence 25 of such byelaws until the contrary be shown.

Penalty for
offences
against
byelaws.

13. Any person acting or attempting to act in contravention of any byelaw made in pursuance of this Act shall for each such offence incur a penalty of not exceeding *ten pounds*, in addition to the forfeiture of the nets or instruments used in contravention of 30 such byelaw.

Power to
officers of
Conservators
or police
officers to
stop and
search
boats, &c.

14. Any officer of the Conservators, or any police constable or other police officer, may, within the limits of this Act, stop and search any wherry or boat in which he shall have reasonable ground for believing there are any fish taken, or any nets, engines, trimmers, 35 liggers, or other instruments used or intended to be used for the taking of fish within such limits, in contravention of any such byelaw, and if he shall find therein any such fish, nets, or other things, or if he shall find any person using or attempting to use or having used any such nets or other things within such limits, in 40 contravention of any such byelaw, he may seize and detain the same, and he shall in such case forthwith apply to some justice of

the peace for a summons citing the person in charge of such wherry or boat, or in possession or use of any such fish, nets, or other things, to appear before two justices, who shall inquire and determine whether such person has incurred any penalty under this Act, and in the event of the justices finding that he has incurred any such penalty, they may determine that, in addition to any penalty, all or any such fish, nets, or other things shall be forfeited. A.D. 1877.

15 **15.** Any person refusing to allow any such wherry or boat to be stopped and searched as in the last preceding section provided, or resisting or obstructing such search, shall for every such offence be liable to a penalty not exceeding *five pounds*. Penalty for not allowing search.

16. All penalties imposed by this Act, and all costs or expenses, may be recovered in a summary manner, within *six months* of the commission of the offence, before two justices in manner directed by an Act passed in the 11th and 12th years of the reign of Her present Majesty Queen Victoria, chapter 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to summary convictions and orders," or of any Act amending the same; and all moneys received in respect of such penalties shall be paid to the Board, to be applied by them to the purposes of this Act, unless the justices for some special reason shall otherwise order; and all forfeitures shall be disposed of as the justices may direct, and the proceeds (if any) shall be applied in manner in which the moneys received in respect of penalties for offences under this Act are hereby directed to be applied. Recovery of penalties.

17. Where any offence under this Act is committed in or upon any waters forming the boundary between the counties of Norfolk and Suffolk, such offence may be prosecuted before any justices of the peace in either of such counties. Offences committed on boundary.

18. Provided always, that nothing in this Act contained shall prejudice or interfere with the rights or privileges of the body corporate of the mayor, aldermen, and citizens of the city of Norwich, or of the Great Yarmouth Port and Haven Commissioners in or over the River Yare in the county of Norfolk, or the county of the city of Norwich. Preservation of rights of Norwich Corporation and Great Yarmouth Commissioners.

Norfolk and Suffolk Fisheries.

A

B I L L

To preserve the Fisheries in the Navigable Rivers and Broads of the counties of Norfolk and Suffolk and the city of Norwich.

(Prepared and brought in by
*Mr. James Duff, Lord Rendlesham, and
Mr. Cobnan.*)

*Ordered, by The House of Commons, to be Printed,
15 March 1877.*

[Bill 117.]

Under 1 oz.

Norfolk and Suffolk Fisheries Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

- Preamble.
 - 1. Short title.
 - 2. Limits of Act.
 - 3. Board of Conservators appointed.
 - 4. How vacancies to be filled up.
 - 5. Board to be a body corporate.
 - 6. Vacancies in Board and defect in appointment of members.
 - 7. Proceedings of Board.
 - 8. Appointment of committees.
 - 9. Evidence of proceedings at meetings.
 - 10. Powers of Board.
 - 11. Board may make byelaws.
 - 12. Byelaws come into force on certain conditions.
 - 13. Penalty for offences against byelaws.
 - 14. Power to officers of Conservators or police officers to stop and search boats, &c.
 - 15. Penalty for not allowing search.
 - 16. Recovery of penalties.
 - 17. Offences committed on boundary.
 - 18. Preservation of rights of Norwich Corporation and Great Yarmouth Commissioners.
-

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Preserve the Fisheries in the Navigable Rivers and Broad
of the counties of Norfolk and Suffolk and the city of
Norwich. A.D. 1877.

WHEREAS the fisheries in the navigable rivers of the counties Preamble.
of Norfolk and Suffolk and the county of the city of Norwich,
and of the broads connected with such rivers, have of late years
been greatly injured, and it is expedient that better provision be
5 made for preserving and increasing the same, but that object
cannot be accomplished without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ;
and be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
10 and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. This Act may be cited for all purposes as the "Norfolk and Short title.
Suffolk Fisheries Act, 1877."

2. This Act shall extend and apply only to the navigable rivers Limits of
Act.
15 in the counties of Norfolk and Suffolk and the county of the city
of Norwich, and to the broads connected with such rivers, and shall
not include the sea or sea coast.

3. The justices of the peace of the counties of Norfolk and Board of
Conservators
appointed.
Suffolk and of the city and county of the city of Norwich, at any
20 court of quarter sessions held in and for their respective counties
after the passing of this Act (due notice having been previously
given according to the practice of such sessions), and the mayor,
aldermen, and burgesses of the borough of King's Lynn (herein-
after called the Corporation) shall have power to appoint conservators
25 as follows ; (that is to say,) the justices of the county of Norfolk
twenty conservators, the justices of the county of Suffolk twenty
conservators, the justices of the city and county of the city of
Norwich ten conservators, and the Corporation five conservators,
which conservators shall be a Board of Conservators (herein-after

[Bill 158.] A 2

A.D. 1877. called "the Board") for the preservation and regulation of the fisheries within the limits of this Act.

How vacancies to be filled up.

4. Whenever any vacancy in the office of conservator appointed by the before-mentioned respective justices shall occur, the same may at any time be filled up by the justices assembled at general 5 or quarter sessions as follows; viz., if the vacancy be caused by a conservator for the county of Norfolk, by the justices for Norfolk assembled at Norwich; if the vacancy be caused by a conservator for the county of Suffolk, by the justices for Suffolk assembled at Ipswich; and if the vacancy be caused by a conservator for Norwich, 10 then by the justices for Norwich; and if any vacancy shall occur in the number of conservators to be appointed by the Corporation, the same shall be filled up by the Corporation.

Board to be a body corporate.

5. The Board shall be a body corporate, having perpetual succession and a common seal, with power to make contracts and to sue and 15 be sued, by the name or style of "The Conservators of the Norfolk and Suffolk Fisheries."

Vacancies in Board and defect in appointment of members.

6. No act or proceeding of the Board shall be questioned on account of any vacancy or vacancies in their body, and no defect in the appointment of any person or persons acting as member or 20 members of such Board shall be deemed to vitiate any proceedings of such Board in which he or they have taken part.

Proceedings of Board.

7. The Board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, 25 management, and adjournment of their meetings, and generally with respect to the transaction and management of business, including the quorum of meetings, as they think fit, subject to the following conditions:

- (a.) The first meeting after the formation of the Board shall be 30 held at the Shire Hall in the county of Norfolk, within three months after the passing of this Act, and all subsequent meetings at such place or places as the Board may from time to time direct:
- (b.) An extraordinary meeting may be summoned at any time 35 and place on the requisition of three members of the Board:
- (c.) The quorum to be fixed by the Board shall consist of not less than three members:
- (d.) Every question shall be decided by a majority of votes of the 40 members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

8. The Board may appoint committees of their members, may fix
 a quorum for each committee, and may lay down rules for its
 guidance. Every question before a committee shall be decided by
 a majority of votes of the members voting on that question, and in
 5 the event of an equality of votes the chairman for the time being
 shall have a second or casting vote.

A.D. 1877.

Appointment
of com-
mittees.

9. Any minute made of proceedings at a meeting of the Board,
 if signed by the chairman of that meeting, either at the meeting of
 the Board at which such proceedings took place, or at the next
 10 ensuing meeting of the Board at which such person may be present,
 shall be receivable in evidence in all legal proceedings without
 further proof, and until the contrary is proved every meeting of the
 Board in respect of the proceedings of which minutes have been so
 made shall be deemed to have been duly convened and held, and
 15 all the members thereof to have been duly qualified.

Evidence of
proceedings
at meetings.

10. The Board shall have power within the limits of this Act to
 do the following things, or such of them as they may in their
 discretion think expedient; (that is to say.)

Powers of
board.

20 (1.) From time to time, by writing under the seal of the Board,
 to appoint a sufficient number of water bailiffs and other
 officers, to assign to them their salaries and duties, and to
 remove any water bailiff or officer so appointed: Provided
 always, that nothing herein contained shall prevent the
 Board from obtaining the services of additional constables
 25 under the Act 3rd and 4th Victoria, chapter 88, section 19,
 for the purpose of carrying out the provisions of this Act,
 such constables, when appointed, to have all the powers
 and privileges of water bailiffs, and to be paid for their
 services by the said Board:

30 (2.) To take legal proceedings against persons violating the
 provisions of this Act:

(3.) Generally to execute such works, do such acts, and incur
 such expenses as they may deem expedient to be executed,
 done, or incurred for carrying out the purposes of this
 35 Act, but so that it shall not be lawful for the Board to
 pay to any member of the Board any salary, fees, or other
 remuneration for his acting in any way as a member of or
 under the Board:

40 Provided that this section shall not authorise anything to be
 done which may injuriously affect any navigable river, cut, or
 inland navigation, or the construction of any works below high-
 water mark.

A.D. 1877.

Board may
make bye-
laws.

11. The Board shall have power to make, and similarly from time to time to vary or rescind, byelaws for any or all of the purposes following; (that is to say,)

- (1.) To determine the time in each year during which it shall be illegal to fish for, take, or kill, or attempt to take or kill, 5 otherwise than by rod or line, all or any of the different kinds of fresh-water fish found within the limits of this Act:
- (2.) To determine the mesh, size, and description of nets, and to regulate the use of nets, engines, trimmers, liggers, or instruments of any kind for the purpose of taking fish 10 within the limits of this Act. The Board may make any byelaw to apply to the whole or to any part or parts of the said navigable rivers and broads.

Byelaws
come into
force on
certain con-
ditions.

12. Any byelaws made in pursuance of this Act shall come into force only when the following conditions have been complied with: 15

- (1.) They shall have been advertised as proposed byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk:
- (2.) They shall, after the expiration of one month after such advertisement, have been approved by one of Her Majesty's 20 Principal Secretaries of State:

Provided always, that all byelaws made in pursuance of this Act shall be advertised as approved byelaws in one or more newspapers generally circulating in each of the counties of Norfolk and Suffolk, and shall be further published in such manner as the Board shall 25 think fit; and the production of a written or printed copy of any byelaws purporting to have been made by the Board, and approved by a Secretary of State, shall in any legal proceedings be taken to be proof of the due making, allowing, publication, and existence of such byelaws until the contrary be shown. 30

Penalty for
offences
against
byelaws.

13. Any person acting or attempting to act in contravention of any byelaw made in pursuance of this Act shall for each such offence incur a penalty of not exceeding ten pounds, in addition to the forfeiture of the nets or instruments used in contravention of such byelaw. 35

Power to
officers of
Conservators
or police
officers to
stop and
search
boats, &c.

14. Any officer of the Conservators, or any police constable or other police officer, may, within the limits of this Act, stop and search any wherry or boat in which he shall have reasonable ground for believing there are any fish taken, or any nets, engines, trimmers, liggers, or other instruments used or intended to be used for the 40 taking of fish within such limits, in contravention of any such byelaw, and if he shall find therein any such fish, nets, or other

A.D. 1877.

things, or if he shall find any person using or attempting to use or having used any such nets or other things within such limits, in contravention of any such byelaw, he may seize and detain the same, and he shall in such case forthwith apply to some justice of the peace for a summons citing the person in charge of such wherry or boat, or in possession or use of any such fish, nets, or other things, to appear before two justices, who shall inquire and determine whether such person has incurred any penalty under this Act, and in the event of the justices finding that he has incurred any such penalty, they may determine that, in addition to any penalty, all or any such fish, nets, or other things shall be forfeited.

15. Any person refusing to allow any such wherry or boat to be stopped and searched as in the last preceding section provided, or resisting or obstructing such search, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for not allowing search.

16. All penalties imposed by this Act, and all costs or expenses, may be recovered in a summary manner, within six months of the commission of the offence, before two justices in manner directed by an Act passed in the 11th and 12th years of the reign of Her present Majesty Queen Victoria, chapter 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to summary convictions and orders," or of any Act amending the same; and all moneys received in respect of such penalties shall be paid to the Board, to be applied by them to the purposes of this Act, unless the justices for some special reason shall otherwise order; and all forfeitures shall be disposed of as the justices may direct, and the proceeds (if any) shall be applied in manner in which the moneys received in respect of penalties for offences under this Act are hereby directed to be applied.

Recovery of penalties.

17. Where any offence under this Act is committed in or upon any waters forming the boundary between the counties of Norfolk and Suffolk, such offence may be prosecuted before any justices of the peace in either of such counties.

Offences committed on boundary.

18. Provided always, that nothing in this Act contained shall prejudice or interfere with the rights or privileges of the body corporate of the mayor, aldermen, and citizens of the city of Norwich, or of the Great Yarmouth Port and Haven Commissioners in or over the rivers and broads within the limits of this Act.

Preservation of rights of Norwich Corporation and Great Yarmouth Commissioners.

Norfolk and Suffolk Fisheries.

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To preserve the Fisheries in the Navigable Rivers and Broads of the counties of Norfolk and Suffolk and the city of Norwich.

(Prepared and brought in by
*Mr. James Duff, Lord Rendlesham, and
Mr. Cobman.*)

*Ordered, by The House of Commons, to be Printed,
8 May 1877.*

[Bill 158.]

Under 1 oz.

LORDS AMENDMENTS
TO THE
NORFOLK AND SUFFOLK FISHERIES BILL.

*Note.—The page and line refer to the Bill (104.) as first printed
by the Lords.*

Page 1.

- In the title, insert ("the county of")
- Line 3, Leave out the first ("of ") and insert ("in")
- Line 23, leave out ("borough") and insert ("boroughs"),
and after ("Lynn") insert ("and Sudbury")
- Lines 24 and 28, leave out ("corporation") and insert ("cor-
porations")
- Lines 28, after the second ("conservators") insert ("each")

Page 2.

- Line 12, leave out ("corporation") and insert ("corpora-
tions")
- Line 13, after ("corporation") insert ("of King's Lynn or
Sudbury, as the case may be")

Page 3.

- Line 39, leave out from ("authorise") to the end of the clause
and insert ("the construction of any works below high-
water mark or anything which may injuriously affect any
navigable river, cut, or inland navigation")

LORDS AMENDMENTS

TO THE

NORFOLK AND SUFFOLK
FISHERIES BILL.

*Ordered, by The House of Commons, to be Printed,
4 July 1877.*

[Bill 232.]

Under 1 oz.

A

B I L L

FOR

Affording Facilities for the enjoyment by the Public of Open Spaces in the Metropolis. A.D. 1877.

WHEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. The Metropolitan Board of Works may, by purchase, or by the gift of the person or persons entitled to the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for
 15 exercise and recreation, and may from time to time make byelaws for the regulation of such open spaces, and may by such byelaws provide for the removal of any person infringing any such byelaw by any officer of the said Board or police constable. Byelaws under this section shall be made in the same manner and subject to the
 20 same conditions as byelaws made by the said Board under the Metropolis Management Act, 1855.

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

2. Where any open spaces now or hereafter used as places of exercise and recreation for the inhabitants of certain houses, and of which the property and right of user is now or hereafter may be
 25 vested in one or more persons as owners of such houses, the owners or other persons interested therein may convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

[Bill 62.]

A.D. 1877. as may be agreed upon by such owners and other persons and the said Board of Works.

Provision for
keeping up
open spaces.

3. The Metropolitan Board of Works shall be entitled to make such provision as may be necessary for maintaining and protecting the open spaces so acquired by them.

5

Expenses.

4. The Metropolitan Board of Works shall be empowered to pay out of the funds at their disposal or which they are empowered to raise under the said Metropolis Management Act, 1855, and the several Acts amending the same, the costs and charges which they may incur in the execution of this Act, and such costs and charges shall be deemed to be expenses for which provision is made by such Acts.

10

Extent of
Act.

5. This Act shall not extend to the royal parks, nor to any garden, ornamental ground, or ornamental land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851.

20

Meaning of
term "me-
tropolis."

6. The term "metropolis" in this Act means the City of London and all parishes and places mentioned in Schedules A., B., and C. to the said Metropolis Management Act, 1855.

Short title.

7. This Act may be cited as the Metropolitan Open Spaces Act, 1877.

25

Open Spaces (Metropolis).

A

B I L L

For affording facilities for the enjoyment by the Public of Open Spaces in the Metropolis.

(Prepared and brought in by
Mr. Whalley, Mr. Morgan Lloyd,
and Sir George Bowyer.)

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 62.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Falmouth. A.D. 1877.

WHEREAS an Order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict.
c. 45.

And whereas it is expedient that the Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirma-
tion of
Order in
Schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Order Confirmation Act, 1877. Short title.

A.D. 1877.

Falmouth.

SCHEDULE.

FALMOUTH.

Order for the Regulation by the Corporation of the Borough of Falmouth of an Oyster and Mussel Fishery in part of the Harbour of Falmouth, in the County of Cornwall.

5

Undertakers.

1. The mayor, aldermen, and burgesses of the borough of Falmouth, acting by their council (in this Order called "the Corporation"), shall be the Undertakers of this Order.

Limits of fishery.

2. The following are the description and limits of the fishery comprised in this Order (as shown on plans deposited at the Board of Trade); namely, 10

All those parts of the harbour of Falmouth, situate within the municipal borough of Falmouth, and bounded as follows, that is to say, on the north by an imaginary straight line drawn from the point known as Messack Point, situate in the parish of St. Just in Roseland, in the said county of Cornwall, to a certain other point called Tarra Point, in the parish of 15

Mylor, in the said county; on the east and south-east by the line of ordinary low-water mark from the said point known as Messack Point to a certain other point known as Castle Point, situate in the parish of St. Just in Roseland, in the said county, thence by an imaginary straight line drawn from the said point known as Castle Point to a certain other 20

point known as Carricknath Point, situate in the parish of St. Anthony, in the said county, thence by the line of ordinary low-water mark from the said point known as Carricknath Point to a certain other point known as Zoze Point, situate in the parish of St. Anthony aforesaid; on the south 25

side by an imaginary straight line drawn from the said point known as the Zoze Point to a certain other point called Pendennis Point, situate in the parish of Budock, in the said county; and on the west and north-west partly by the line of ordinary low-water mark from the said point known as Pendennis Point to a spot on the western side of Boyers Cellars, situate 30

in the parish of Budock, in the said county, (exclusive of the property of the Falmouth Docks Company, and the limits thereof defined by the sixtieth section of the Falmouth Docks Act, 1874,) partly by an imaginary straight line drawn from the said last-mentioned spot to Sailors Creek, in the said parish of Mylor, and partly by the line of ordinary low-water mark from Sailors Creek aforesaid to the said point called Tarra Point, in the parish 35

of Mylor aforesaid.

Nothing in this clause contained shall in anywise affect or prejudice any question as to the true line of boundary between the boroughs of Falmouth and Truro respectively.

Dredging in certain months prohibited.

3. Subject to the provisions contained in Article 6 of this Order, no person 40 shall dredge, fish for, or take oysters or mussels within the said fishery during the months of May, June, July, and August in any year.

4. The Corporation may from time to time make byelaws for closing any portion or portions of the said fishery, so far as relates to the fishing for oysters or mussels, for such periods as they may deem necessary, but subject to the conditions following :

A.D. 1877.

Falmouth.

Power to close portions of fishery.

5 (1.) After the first twelve months, during which time it is proposed that the fishery shall be altogether closed, that no portion shall be closed for a longer continuous period than two years.

10 (2.) No greater extent in the whole than one third of the oyster beds and one third of the mussel beds respectively shall be closed at any one time, except that during the second and third years after the passing of the Act confirming this Order one half of the oyster beds and one half of the mussel beds respectively may be closed.

15 (3.) One month's previous notice at least of the portion or portions to be closed shall be given by an advertisement in the "London Shipping and Mercantile Gazette," and in some local newspaper, and by affixing such notice on the Town Hall at Falmouth, and in some conspicuous place or places in or adjoining the portion or portions of the fishery proposed to be closed.

20 (4.) A certificate in writing, signed by a secretary or by an assistant secretary of the Board of Trade, stating whether any portion or portions is or are, or is not or are not, or have been or have not been duly closed under the provisions of this Order, shall be taken as conclusive evidence of the fact stated in such certificate.

25 Subject to the provisions contained in Article 6 of this Order, no person shall dredge, fish for, or take any oysters or mussels within the said fishery in contravention of any byelaw of the Corporation whereof notice has been given as aforesaid.

30 5. The Corporation, with the approval of the Board of Trade, may also make byelaws and regulations for regulating the fishery generally, in terms not inconsistent with this Order. Such byelaws and regulations shall be revised from time to time when and as required by the Board of Trade; and any byelaw or regulation not so revised may at any time be cancelled by the Board of Trade, and shall then cease to have effect.

Power to make byelaws with approval of Board of Trade.

35 6. The Board of Trade may from time to time, by a certificate under the hand of one of their secretaries or assistant secretaries, repeal, alter, or vary the prohibition contained in Articles 3, 4, and 10 of this Order.

Power reserved to cancel or vary prohibitions.

40 7. No person shall dredge, fish for, or take oysters or mussels within the said fishery in any boat not licensed in that behalf by the Corporation. Licenses in that behalf shall be granted by the Corporation to any person applying for the same, on his paying the tolls in this Order specified; and every such license shall include both oyster and mussel fishing.

Dredging boats to be licensed.

8. The office for granting licenses shall be the office (for the time being) of the town clerk of the borough of Falmouth, who shall be entitled to a fee of one shilling for preparing every such license.

Office for granting licenses.

Oyster and Mussel Fisheries Order [40 & 41 VICT.]
Confirmation.

A.D. 1877. 9. There shall be paid in respect of such licenses, and before they are granted, the following tolls:

Falmouth.

Tolls and fees payable on licenses.

	s.	d.	
For a license for one season (being a period of eight months), for every registered ton the licensed boat is capable of carrying	3	0	5
And for every dredge used in a rowing boat, the sum of	7	6	
And for every dredge used in a sailing boat, the sum of	10	0	

On all boats so employed in dredging, fishing for, or taking oysters or mussels for the period of one calendar month at any time during the open season:

For every ton the boat is capable of carrying, the sum of	1	0	
And for every dredge used in a rowing boat, the sum of	5	0	
And for every dredge used in a sailing boat, the sum of	7	6	

Provided that every license for a smack or skiff shall include the use of one row boat, such row boat to be used when fishing only by the regular crew of the smack or skiff, and fishing shall not be carried on by the crew of the row boat and smack or skiff independently at the same time. Where a license has been lost or accidentally destroyed a new license by way of substitution may be issued on the payment of a fee of one shilling. The person in charge of any boat (not being a row boat belonging to a smack or skiff) fishing within the limits of the fishery shall, when required by any water bailiff, produce the license of such boat, or else desist from fishing till the same is produced.

Taking of small mussels and oysters prohibited.

10. Save as in this Order expressly provided, and subject to the provisions contained in Article 6 of this Order, no person shall at any time remove from the said fishery or from one portion of the fishing grounds to another any mussels of less size than two inches in length, or any oysters which will pass through a circular ring of such diameter as the Corporation shall from time to time direct: Provided always, that no such ring shall be of less diameter than two inches measured in the inside, or of greater diameter than two and a half inches measured in the inside.

Power reserved to remove brood of mussels and oysters.

11. For the purpose only of better cultivating the fishery, the Corporation, or any person or persons duly authorised by them, may remove any brood of mussels and any spat or small sized oysters from one portion of the fishery to another, at such times as the Corporation may direct.

Power to appoint water bailiff.

12. The Corporation may from time to time appoint, suspend, or remove, again appoint a water bailiff or bailiffs to enforce the provisions of this Order, and the byelaws and regulations made under this Order, and generally to regulate the fishery.

Every such water bailiff shall have and may exercise all the powers and authorities of a constable for regulating and protecting the fishery, and shall have the following powers; that is to say, he may enter any smack, fishing boat, or row boat within the limits of the fishery; he may examine the catches, dredges, nets, and fishing implements and gear of any such boats; he may seize oysters or mussels illegally taken within the limits of the fishery; and he may do all other lawful acts for giving effect to the provisions of this Order, and the byelaws and regulations made under this Order.

Any person considered by a water bailiff to have offended against any such provisions, byelaws, or regulations shall, when required by such water bailiff, state correctly his christian name, surname, and place of abode.

A.D. 1877.
Falmouth.

Any person refusing or omitting when required to state correctly his name and place of abode, or wilfully continuing to offend after having been required by a water bailiff to desist, may be apprehended by a water bailiff or any person acting by order of a water bailiff, and conveyed before a justice of the peace to be dealt with according to law. Any person resisting, obstructing, or assaulting a water bailiff in performance of his duty may be apprehended and conveyed before a justice of the peace, and upon conviction shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty or punishment incidental to his offence.

No person apprehended under this section of this Order shall be detained in custody more than twenty-four hours without being brought before a justice, but at the expiration of that time, if not previously brought before a justice, shall, on correctly stating his name and place of abode, be discharged, without prejudice to further proceedings by summons or warrant.

13. The whole of the money received by the Corporation from licenses, tolls, or otherwise under this Order shall, after the repayment to the Corporation of all expenses incurred in and incidental to the obtaining this Order, be applied to the maintenance and improvement of the fishery in accordance with these regulations, under the powers and provisions of "The Sea Fisheries Act, 1868," or in repayment to the Corporation of such sums as they may expend in putting or endeavouring to put the fishery into a more profitable state.

Tolls and fees to be applied in maintaining and improving fishery, or in repayment of advances by undertakers.

14. The limits of the said fishery shall be marked out in manner described in Article 2 of this Order, or in such other manner as the Board of Trade may from time to time direct.

Marking of limits.

15. No buildings, erections, embankments, or other works shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

No works to be commenced without sanction of Board of Trade.

16. The Corporation shall render annually to the Board of Trade, on the 31st of August in every year, accounts of their expenditure and income under this Order, and all other information required by the Board of Trade with reference to the subject of this Order, in such form as the Board of Trade may from time to time require; and shall allow the Board of Trade, or any person appointed by the Board of Trade, to inspect the fishery, and all books, accounts, and other documents in the possession of the Corporation relative to the fishery, and shall give to such Board or person all such information relating thereto as he or they may require.

Undertakers to give accounts of expenditure and income and other information.

17. The Board of Trade may at any time make a grant or grants of a several oyster and mussel fishery of any ground within the limits comprised in this Order, and all the powers and provisions contained in this Order shall be subject to the power of the Board of Trade to make such grant, and to any alteration which may be consequent on such grant, or on any Order made in pursuance of such grant.

Power reserved to grant several oyster and mussel fishery within limits of Order.

A.D. 1877.

*Falmouth.*Duration of
Order.Power of Board
of Trade to re-
peal or amend
Order.Power to revise
tolls with con-
sent of Board
of Trade.Saving rights
under "The
Crown Lands
Act, 1866."Saving rights
of duchy of
Cornwall.Saving rights
of Earl of
Kimberley and
others.Saving rights
of Harbour
Commis-
sioners.

Short title.

18. This Order shall continue in operation for sixty years from its confirma-
tion by Act of Parliament and no longer.

19. The Board of Trade may, under the 39th section of "The Sea Fisheries
Act, 1868," from time to time or at any time make an Order or Orders
repealing, amending, altering, or adding to all or any of the provisions of this 5
Order.

20. The Corporation may, but not without the consent of the Board of
Trade, from time to time revise the tolls leviable under this Order, either by
increasing or diminishing the amount thereof, or by varying the mode and times 10
in and for which the same are levied, or otherwise; provided that public notice
of such revised tolls shall be given, either by advertisement or otherwise, in such
manner as the Board of Trade shall direct.

21. This Order shall not be taken as a consent to the surrender of any rights,
interest, powers, authorities, or privileges transferred to the management of the
Board of Trade by "The Crown Lands Act, 1866." 15

22. The consent of His Royal Highness the Prince of Wales in right of
his duchy of Cornwall signified to this Order shall not be taken as a consent
to the surrender of, and nothing in this Order contained shall prejudice or
affect any property, rights, powers, authorities, or privileges of His Royal
Highness, or of the possessor of the duchy of Cornwall for the time being. 20

23. Nothing in this Order contained shall prejudice or affect any property,
rights, powers, or privileges of the Right Honourable John Earl of Kimberley,
his heirs, successors, or assigns, or of Gustavus Lambart Basset, Esquire, his
heirs or assigns, or of the Right Honourable Charles Henry Rolle Baron
Clinton, his heirs, successors, or assigns, or other the person or persons claiming 25
title through or under the Right Honourable Charles Rudolph Baron Clinton,
deceased, or of the mayor, aldermen, and burgesses of the borough of Penryn,
in the county of Cornwall, their successors or assigns.

24. Nothing in this Order contained shall prejudice or affect the powers
conferred on the Falmouth Harbour Commissioners by the Falmouth Harbour 30
Order, 1870, or any other rights or powers vested in or exerciseable by them.

25. This Order may be cited as "The Falmouth Fishery Order, 1877."

Oyster and Mussel
Fisheries Order Confirmation. [H.L.]

A

BILL

INTRODUCED

An Act to confirm an Order made by
the Board of Trade under The Sea
Fisheries Act, 1868, relating to Fal-
mouth.

(*Brought from the Lords 26 June 1877.*)

*Ordered, by The House of Commons, to be Printed,
26 June 1877.*

[Bill 222.]

Under 1 oz.

Parliamentary and Municipal Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Application of Act.
3. Provision wheré part only of parish or township is situate in municipal borough.
4. Application of 31 & 32 Vict. c. 122. s. 27. incorporating certain places with adjoining parishes.
5. Forms of precept, &c.
6. Printing of forms, and making and delivering to overseers of precepts and forms of notices and lists.
7. Notices by overseers of rates in arrear, &c.
8. Preparation of lists of parliamentary and municipal voters (occupiers) within municipal boroughs under this Act.
9. Signing of lists, and making, publishing, keeping for inspection, and delivery of copies thereof.
10. Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.
11. Persons named in list and claimants may inspect rate books.
12. Persons named in list may be objected to, &c.
13. Persons named in divisions one and two may object to persons named in other lists of parliamentary voters.
14. Lists of persons objected to and of claimants to be signed and published, &c.
15. Overseers to deliver copies of lists to town clerk.
16. Publication of lists, &c.
17. Opposition to claims.
18. Revision by revising barrister.
19. Divisions one and two of revised lists to be used for parliamentary register.
20. Divisions one and three of revised list to be used for municipal register.
21. Copying and printing revised lists.

[Bill 59.]

Clause.

22. Correction of burgess roll in pursuance of order on appeal.
23. List of persons entitled to be elected councillors or aldermen.
24. Burgess lists and rolls.
25. Expenses.
26. Service of notices.
27. Commencement of Act.
28. Interpretation.
29. Act to be construed with Registration Acts.
30. Act not to extend to Scotland or Ireland.

SCHEDULE.

A
B I L L

TO

Amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs. A.D. 1877.

WHEREAS it will effect a great saving of expense and labour, and it is expedient to establish so far as practicable one system of preparation and revision of lists for the formation of the register of parliamentary voters and the burgess roll respectively, and it is expedient otherwise to amend the law relating to parliamentary and municipal registration, in certain boroughs :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Borough Registration Act, 1877. Short title.

2. This Act shall apply to the area of every municipal borough which is co-extensive with a parliamentary borough, or which is included in a parliamentary borough, or of which a part is so included. Application of Act.

3. Where part only of any parish or township is situate within the area of any municipal borough to which this Act applies, such part shall, for the purposes of this Act and of the Registration Acts, be deemed a separate parish or township, and the overseers of the whole parish or township shall, for the purposes of this Act and of the Registration Acts, be deemed to be overseers of such part as if the same were a separate parish or township ; and the regulations of this Act with respect to the registration of voters in such municipal borough shall take effect accordingly in such part, and shall not affect the remaining part of the parish or township, and such remaining part shall in like manner be deemed a separate parish or township for the purposes of the Registration Acts ; and

[Bill 59.]

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A.D. 1877. the overseers of the whole parish or township shall, for the purposes of the Registration Acts, be in like manner deemed to be overseers of such remaining part as if the same were a separate parish or township.

Application of 31 & 32 Vict. c. 122. s. 27, incorporating certain places with adjoining parishes.

4. The purposes of this Act and the purposes of the Registration Acts shall be deemed civil parochial purposes within the meaning of the provision made by section twenty-seven of the Poor Law Amendment Act, 1868, for the incorporation with adjoining parishes of certain extra-parochial places, or reputed extra-parochial places, so far as regards every place which was affected by that provision, and which is situate wholly or partly within the area of a municipal borough to which this Act applies. 5 10

Forms of precept, &c.

5. For the purposes of this Act and of the Registration Acts, so far as relates to the area of any municipal borough to which this Act applies, the forms numbered one, two, three, four, five, six, seven, eight, and nine in the schedule to this Act shall be substituted for the forms numbered one, two, three, four, six, eight, ten, eleven, and twelve in Schedule B. to the Parliamentary Electors Registration Act, 1843; and shall be made use of accordingly within the area of each such municipal borough. 15 20

Printing of forms, and making and delivering to overseers of precepts and forms of notices and lists.

6. So much of section ten of the Parliamentary Electors Registration Act, 1843, as relates to the printing of forms and to the making and delivering to the overseers of precepts and forms of notices and lists shall apply to the corresponding substituted forms under this Act; and the duties imposed on the town clerk by that section, so far as regards the area of any municipal borough under this Act, shall be performed by the town clerk of such municipal borough. 25

Notices by overseers of rates in arrear, &c.

7. The overseers of every parish or township situate wholly or partly within the area of a municipal borough to which this Act applies shall, on or before the *twentieth day of June* in every year, publish within the area common to such municipal borough and to such parish or township, a notice in writing according to the form numbered two in the schedule to this Act in lieu of the form numbered two in Schedule B. to the Parliamentary Electors Registration Act, 1843. 30 35

Where any poor rate or borough rate due on the fifth day of January in any year from an occupier in respect of premises entitling the occupier thereof to be registered as a municipal voter for a municipal

borough under this Act, remains unpaid on the *first day of June* following, the overseers whose duty it may be to collect such rate shall, on or before the *twentieth* of the same month of June, unless such rate has previously been paid, or has been duly demanded by a demand note to be served in like manner as the notice in this section referred to, give or cause to be given a notice in the form numbered ten set forth in the schedule to this Act to every such occupier.

A.D. 1877.

Any overseer who shall wilfully withhold such notice with intent to keep such occupier off the register of municipal voters for the said municipal borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts.

The notice shall be deemed to be duly given if delivered to the occupier, or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice under this section and the notice under section twenty-eight of the Representation of the People Act, 1867, in respect of any premises situate wholly or partly within the area of a municipal borough to which this Act applies, shall be deemed to be duly given if affixed upon some conspicuous part of the premises.

Section twenty-nine of the Representation of the People Act, 1867, shall extend and be applicable to every parish or township situate wholly or partly within a municipal borough under this Act.

8. The overseers of every parish or township situate wholly or partly within the area of a municipal borough to which this Act applies shall, on or before the *last day of July* in every year, in lieu of the list which they are by the Registration Acts required to make out or cause to be made out of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough with which such municipal borough is co-extensive or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, make out or cause to be made out a list of all such persons and all persons entitled to be registered as municipal voters for such municipal borough under the provisions of the Municipal Corporation Acts in respect of the occupation of premises situate wholly or partly within the area common to such municipal

Preparation of lists of parliamentary and municipal voters (occupiers) within municipal boroughs under this Act.

A.D. 1877. borough and to such parish or township in manner following; that
 is to say,

(1.) The list shall be framed in three divisions, as follows :

Division one shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and at the same time entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or town-
 ship :

Division two shall comprise the names of all persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, but not entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate as aforesaid :

Division three shall comprise the names of all persons entitled to be registered as municipal voters for such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, but not entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Parliament for the parliamentary borough in respect of the occupation of premises situate as aforesaid :

(2.) The list shall be according to the form numbered three in the schedule to this Act :

(3.) The names in each division of the list shall be arranged alphabetically according to surnames, and as to division one without duplication of names : A.D. 1877.

5 (4.) In each division the christian name and surname of every person inserted shall be written at full length, together with the place of his abode and the nature of his qualification, and the name of the street, lane, or place, and the number of the house, if any, or other description of the situation of the premises or property conferring the qualification :

10 (5.) The list shall be styled the list of parliamentary and municipal voters (occupiers) within the area to which it relates :

15 (6.) The list may be framed according to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

20 **9.** So much of section thirteen of the Parliamentary Electors Registration Act, 1843, as relates to the signing of the lists of voters, and to the making, publishing, and keeping for inspection copies thereof, and to the delivery of copies thereof to persons requiring the same, shall apply to every list of parliamentary and
25 municipal voters (occupiers) under this Act.

10. Every person whose name shall have been omitted in any list of parliamentary and municipal voters (occupiers) under this Act, and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in such list ;
30 and every person whose name shall have been inserted in such list and who shall claim as having been entitled on the last day of July then next preceding to have his name inserted in any division other than the division in which his name appears of such list ; and every person whose name shall have been inserted in such list,
35 and who shall be desirous of being registered for a different qualification than that for which his name appears in such list, shall, on or before the *twenty-fifth day of August* in that year, give or cause to be given a notice according to the form numbered five in the schedule to this Act or to the like effect to the overseers of that
40 parish or township in the list whereof he shall claim to have his

Signing of lists, and making, publishing, keeping for inspection, and delivery of copies thereof.

Persons whose names are omitted from the list or inserted in the wrong division or by wrong qualification to give notice, and list of such persons to be made.

A.D. 1877. name inserted or transposed or the description of his qualification altered, and the overseers shall include the names of all persons so claiming as aforesaid in a list, according to the form numbered six in the said schedule.

Persons
named in
list and
claimants
may inspect
rate books.

11. It shall be lawful for any person whose name shall have 5
been inserted in any list of parliamentary and municipal voters
(occupiers) under this Act, or for any person who shall have
claimed to have his name inserted in any such list, upon request
made by such person at any time between the hours of *ten* of the
clock in the forenoon and *four* of the clock in the afternoon of any 10
day except Sunday, between the *tenth day of August* and the *last*
day of August, to any overseer or other officer having the custody
of any poor rate book, to inspect such poor rate book, and make ex-
tracts therefrom for any purpose relating to any claim or objection
made or intended to be made by or against such person, and every 15
such overseer or other officer as aforesaid is hereby required, upon
such request as aforesaid, to permit such inspection and the making
of such extracts without payment of any fee.

Persons
named in list
may be
objected to,
&c.

12. Any person whose name shall have been inserted in any
list of parliamentary and municipal voters (occupiers) under this 20
Act as a parliamentary voter, may be objected to by any other
person whose name may appear on any list, whether made out
under this Act or under the Registration Acts, for the same parlia-
mentary borough as a parliamentary voter, on the ground of the
person so objected to not having been entitled on the last day of 25
July next preceding to have his name so inserted.

And any person whose name shall have been inserted in any list of
parliamentary and municipal voters (occupiers) under this Act as a
municipal voter may be objected to by any other person whose
name may appear on any such list for the same municipal borough 30
as a municipal voter, on the ground of the person so objected to
not having been entitled on the last day of July next preceding to
have his name so inserted.

And every person so objecting shall, on or before the *twenty-*
fifth day of August in that year, give or cause to be given a notice 35
according to the form numbered seven in the schedule to this Act
or to the like effect to the overseers who shall have made out the
list in which the name of the person so objected to shall have been
inserted, and every person so objecting shall also give or cause to
be left at the place of abode of the person objected to as stated 40

in the said list a notice according to the form numbered eight in the said schedule, and every notice of objection shall be signed by the person objecting. A.D. 1877.

The overseers in respect of an area to which this Act applies shall include the names of all persons so objected to as aforesaid, of which objections the said overseers shall have received notice in a list according to the form numbered nine in the schedule to this Act.

13. Divisions one and two of every list of parliamentary and municipal voters (occupiers) under this Act shall, for the purpose of enabling every person whose name is inserted therein as a parliamentary voter to object to any other person whose name is inserted as a parliamentary voter in any other list of voters, whether made out under this Act or under the Registration Acts, for the same parliamentary borough, be deemed lists of voters for such borough under the Registration Acts; and section seventeen of the Parliamentary Electors Registration Act, 1843, shall extend to the case of an objection made by any person whose name shall have been inserted as a parliamentary voter in a list of parliamentary and municipal voters (occupiers) to any other person whose name shall have been inserted as a parliamentary voter in any list of voters for the same parliamentary borough, whether such list of voters was made out under this Act or under the Registration Acts.

Persons named in divisions one and two may object to persons named in other lists of parliamentary voters.

14. The said overseers in respect of an area to which this Act applies shall sign each of the said lists of persons objected to and of claimants as aforesaid, and cause copies thereof to be written or printed, and shall publish within the said area the said list of persons objected to and the said list of claimants as aforesaid on or before the *first day of September* in the said year, and shall keep copies of such lists, and shall allow the same and also the notices of objection which they shall have received to be perused by any person without payment of any fee at any time between *ten* of the clock in the forenoon and *four* of the clock in the afternoon of any day except Sunday, during the first *fourteen* days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same on payment of a price for each copy after the rate specified in the table numbered one in the Schedule D. to the Parliamentary Electors Registration Act, 1843.

Lists of persons objected to and of claimants to be signed and published, &c.

15. The said overseers in respect of an area to which this Act applies shall, on or before the twenty-ninth day of August in every year, deliver to the town clerk of such municipal borough a copy

Overseers to deliver copies of lists to town clerk.

A.D. 1877. — of the lists of parliamentary and municipal voters (occupiers) made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the said list of persons objected to as aforesaid.

Publication
of lists, &c.

16. The provisions contained in sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-one, and thirty-five of the Parliamentary Electors Registration Act, 1843, relating to the publication of lists and notices and otherwise shall apply to the lists of parliamentary and municipal voters (occupiers) and other lists, and to notices under this Act.

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Opposition
to claims.

17. The right given by section thirty-nine of the Parliamentary Electors Registration Act, 1843, to oppose the claim of any person claiming to have his name inserted in any list of voters shall apply to every claim for insertion on any list of parliamentary and municipal voters (occupiers) under this Act, and shall be extended to the claim of any person claiming to have his name transposed in any such list, and shall, as regards opposition to a claim in respect of a parliamentary vote, be exerciseable by any person on any list of voters as a parliamentary voter for the parliamentary borough, and as regards opposition to a claim in respect of a municipal vote be exerciseable by any person on any list as a municipal voter for the municipal borough.

Divisions one and two of every list of parliamentary and municipal voters (occupiers) under this Act shall, for the purpose of enabling every person whose name is inserted therein as a parliamentary voter to oppose the claim of any other person claiming to have his name inserted as a parliamentary voter in any other list of voters, whether made out under this Act or under the Registration Acts, for the same parliamentary borough, be deemed lists of voters for such borough under the Registration Acts; and section thirty-nine of the Parliamentary Electors Registration Act, 1843, shall apply to the opposition by any person whose name shall have been inserted as a parliamentary voter in a list of parliamentary and municipal voters (occupiers) under this Act to the claim of any other person to be inserted as a parliamentary voter in any list of voters for the same parliamentary borough, whether such list of voters was made out under this Act or under the Registration Acts.

Revision by
revising bar-
rister.

18. Every list of parliamentary and municipal voters (occupiers) within the area of a municipal borough under this Act

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A.D. 1877.

shall be revised by the revising barrister for the time being authorised under the Registration Acts to revise the list of voters for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in the manner and with and subject to all the powers, provisions, and rights of appeal prescribed by the Registration Acts for the revision of the lists of voters in such parliamentary borough, with the following modifications; that is to say,

(1.) Such revising barrister shall insert in the proper division of such list of parliamentary and municipal voters (occupiers) the name of every person omitted who shall be proved to the satisfaction of such barrister to have given due notice of his claim to be inserted in such list, and to have been entitled on the last day of July then next preceding to have his name inserted in such division in respect of the qualification described in such notice of claim, and shall transpose from any division of such list to any other division of such list the name of every person inserted in such list who shall be proved to the satisfaction of such barrister to have given due notice of his claim to have his name inserted or transposed in such list, and to have been entitled on the last day of July then next preceding to have his name inserted in the division to which his name is so transposed in respect of the qualification described in such notice of claim, and shall expunge the name of the claimant from the division (if any) or from the list (if any), as the case may be, in which the name is inserted and in which, according to the decision of the revising barrister on the claim, the name should not be inserted :

(2.) A claim to be inserted, either originally or by way of transposition, in one division of any list of parliamentary and municipal voters (occupiers) under this Act, shall hold good as a claim to be inserted in or transposed to any other division of such list, in respect of the qualification described in the notice given to the overseers by whom such list was made out of the claim :

A claim in respect of a parliamentary vote shall hold good for any list which has been made out by the overseers to whom notice of the claim has been given, and which is applicable to the qualification described in the notice of claim :

A.D. 1877.

- (3.) The revising barrister, for giving effect to his decision in the case of any name objected to, shall insert the name in the division, if any, in which, according to his decision, it should be inserted by way of transposition from another division, and shall expunge the name from the division 5 (if any) in which it is inserted, and from which, according to his decision, it should be expunged either absolutely or by way of transposition to another division of the list :
- (4.) The last day for holding the court of revision for the revision of any list of parliamentary and municipal voters 10 (occupiers) under this Act, shall be the *fifteenth of October* :
- (5.) Every revised list of parliamentary and municipal voters (occupiers) under this Act shall be forthwith signed by the revising barrister, and delivered by him to the town 15 clerk of the municipal borough to the area of which it relates, who shall keep the same.

Divisions one and two of revised lists to be used for parliamentary register.

19. Divisions one and two of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act 20 shall, when signed by the revising barrister as aforesaid, be deemed and be the revised list under the Registration Acts of persons entitled in respect of any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member or members to serve in Par- 25 liament for the parliamentary borough with which such municipal borough is co-extensive, or in which the whole or part of such municipal borough is included, in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and to such parish or township, and the said 30 divisions one and two shall be used and dealt with and take effect accordingly, and the register of parliamentary voters made up from the said divisions one and two and from the other revised lists of parliamentary voters for the said parliamentary borough shall come into operation on the *first day of January* next after the revision, 35 and shall continue in operation for the year commencing with such first day of January.

Divisions one and three of revised list to be used for municipal register.

20. Divisions one and three of every revised list of parliamentary and municipal voters (occupiers) within the area common to any municipal borough, and to any parish or township under this Act 40 shall, when signed by the revising barrister as aforesaid, be deemed

and be the revised burgess list under the Municipal Corporation Acts, of persons entitled to be enrolled as burgesses of such municipal borough in respect of the occupation of premises situate wholly or partly within the area common to such municipal borough and
 5 to such parish or township, and the said divisions one and three shall be used and dealt with, and take effect accordingly, and the burgess roll made up from the said divisions one and three shall come into operation on the *first day of November* next after the revision, and shall continue in operation for the year commencing
 10 with such first day of November.

A.D. 1877.

21. In copying and printing divisions one and two under the Registration Acts and divisions one and three under the Municipal Corporation Acts of the said revised lists, the two divisions in each set may be combined or kept separate, and may be arranged accord-
 15 ing to convenience for use in parts for polling districts or wards, and, where the polling districts or wards are not conterminous, in such parts as that the same may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and the names may be distinguished by a number alone or in com-
 20 bination with a letter or other distinguishing mark according to the parts, and any arrangement may be adopted according to convenience so that one edition or print of division one may be available for both sets.

Copying and printing revised lists.

22. The provisions of the Registration Acts as to the alteration
 25 or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll of a municipal borough under this Act, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration
 30 or correction shall be made by him.

Correction of burgess roll in pursuance of order on appeal.

23. In every municipal borough under this Act the separate
 lists of persons not entitled to a municipal vote, but entitled to be elected a councillor or alderman of such borough, required to be made out and published in such borough in every year under the
 35 Municipal Corporation Acts, shall be made out and published at the same time and in the same manner and with the same provisions as to objections and claims, and be revised in the same manner as the lists of parliamentary and municipal voters (occupiers), and when so revised shall be delivered to the town
 40 clerk and copied as a separate list at the end of the burgess roll for such municipal borough.

List of persons entitled to be elected councillors or aldermen.

- A.D. 1877. **24.** From and after the commencement of this Act none of the provisions in the Municipal Corporations Acts contained for the preparation and revision of burgess lists shall take effect in any municipal borough under this Act, but nothing in this Act shall affect any existing burgess roll. 5
- Burgess lists and rolls.
- Expenses. **25.** One half of the expenses properly incurred in carrying into effect the provisions of this Act by the town clerk of a municipal borough, and by the overseers of parishes or townships situate wholly or partly within such borough, shall be defrayed in the manner prescribed by the Registration Acts as expenses incurred 10 thereunder, and the remaining half of such expenses shall be defrayed in the manner prescribed by the Municipal Corporations Acts as expenses incurred thereunder.
- Service of notices. **26.** The provisions of section one hundred and one of the Parliamentary Electors Registration Act, 1843, as to the service of notices 15 shall apply to the service of notices under this Act.
- Commencement of Act. **27.** This Act shall commence upon the *first day of May in the year one thousand eight hundred and seventy-eight.*
- Interpretation. **28.** In this Act—
 The expression “The Reform Act, 1832,” shall mean the Act of 20 the second year of the reign of King William the Fourth, chapter forty-five, intituled “An Act to amend the representation of the people in England and Wales :”
 The expression “Municipal Corporations Acts” shall mean the Act of the session of the fifth and sixth years of King William 25 the Fourth, chapter seventy-six, intituled “An Act to provide for the regulation of Municipal Corporations in England and Wales,” and the Acts amending the same :
 The expression “The Parliamentary Electors Registration Act, 1843,” shall mean the Act of the session of the sixth and 30 seventh years of the reign of Her Majesty, chapter eighteen, intituled, “An Act to amend the Law for the Registration of Persons entitled to Vote, and to define certain rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales :” 35
 The expression “Registration Acts” shall mean the Parliamentary Electors Registration Act, 1843, and any Acts or parts of Acts relating to the registration of persons entitled to vote at and proceedings in the election of members to serve in Parliament for England and Wales : 40

The expression “parliamentary borough” shall mean any borough, city, county of city, county of a town, place, or combination of places, returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large : A.D. 1877.

The expression “municipal borough” shall mean any place for the time being subject to the Municipal Corporation Acts :

The expression “municipal voter” shall mean a person duly enrolled on the burgess roll of a municipal borough within the meaning of the Municipal Corporation Acts and entitled to vote at the election of any person to serve the office of councillor, auditor, or assessor of such municipal borough, or of councillor for a ward of such municipal borough, and expressions referring to the registration of municipal voters shall refer to the enrolment of burgesses on the burgess roll within the meaning of the Municipal Corporation Acts.

The other terms used in this Act shall, so far as is consistent with the context, have the same meaning as in the Registration Acts.

29. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts.

Act to be construed with Registration Acts.

30. This Act shall not extend to Scotland or Ireland.

Act not to extend to Scotland or Ireland.

A.D. 1877.

The SCHEDULE.

FORM No. 1.

PRECEPT OF THE TOWN CLERK TO THE OVERSEERS.

Parliamentary Borough } To the overseers of the poor of the parish of
 of } [or, to the overseers of the poor 5
 Municipal Borough of }
 to wit. } of the township of]

IN pursuance of the Borough Registration Act, 1877, I require your attention to the following :

Instructions.

10

On or before the twentieth day of June you are to publish within your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, within the area common to this municipal borough and to your parish (or township)] a notice signed by you, according to the form marked 15 number two among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows ; (that is to say,) you are required to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every 20 church and public chapel in your parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough, in the area common to this municipal borough and to your parish (or township)], including chapels which do not belong to the Established Church, or if there should be no such 25 church or chapel, then in some public and conspicuous situation in such area, and it must remain there during a period including two Sundays at least.

On or before the last day of July you are to make out, according to the form marked number three among the printed forms herewith 30 sent, a list in three divisions, each arranged alphabetically according to surnames, of all persons who may be entitled in respect of any right conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by section three of the Representation of the People Act, 35

A.D. 1877.

1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough, in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only of the parish or township is situate within*
5 *the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and who may be entitled to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only*
10 *of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], of which divisions,

Division one shall comprise the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by
15 section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate wholly or partly within your parish [*or township*], [*or if part only of the parish or township is situate within the*
20 *area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and at the same time entitled to be registered as municipal voters for this municipal borough, in respect of the occupation of premises situate wholly or partly within your parish [*or township*] [*or if part only*
25 *of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)].

And division two shall comprise the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by
30 section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate wholly or partly within this parish [*or township*] [*or if part only of the parish or township is situate within the area*
35 *of the municipal borough* within the area common to this municipal borough and to this parish (*or township*)], but not entitled to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate as aforesaid.

And division three shall comprise the names of persons entitled
40 to be registered as municipal voters for this municipal borough in respect of the occupation of premises situate wholly or partly within

A.D. 1877. your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to the said parish (*or township*)], but not entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of premises situate as aforesaid. 5

And on or before the last day of July you are to make out, according to the form marked number four among the printed forms herewith sent, a list arranged alphabetically according to surnames, of all other persons (freemen excepted) who may be entitled in respect of any rights other than those conferred by the said Reform Act, 1832, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough. 10 15

And in making out each of the said lists you must write or cause to be written the christian name and surname of every such person at full length, together with the place of his abode, and the nature of his qualification, and when the qualification of any person shall be in respect of any property, you must state the name of the street, lane, and number of the house, if any, or other description of the place where such property may be situate. 20

And on or before the first day of August you are to publish written or printed copies of the said lists signed by you on every church or chapel within your parish [*or township*], [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)] in the same manner as before mentioned with regard to the notice. 25 30

You are to keep also a copy of such lists signed by you to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days after the said lists shall have been published. 35

You are to make out a list according to the form marked number six among the printed forms herewith sent, containing the name of every person who shall have given or have caused to be given to you or any one of you, on or before the twenty-fifth day of August, his claim to have his name inserted or transposed in the list of parliamentary and municipal voters (occupiers) within your parish 40

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[or township] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], or his claim to have his name inserted in the list for your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* for the area common to this municipal borough and to your parish (*or township*)] of persons (freemen excepted) entitled in respect of any rights other than those conferred by the said Reform Act, 1832, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough; and also another list according to the form marked number nine among the printed forms herewith sent, containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list or in a division of any list for your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* for the area common to this municipal borough and to your parish (*or township*)]; and also another list according to the form prescribed by the Representation of the People Act, 1867, in that behalf containing the particulars of the claims received by you from persons desirous of being registered as voters to vote in the election of a member [*or members*] to serve in Parliament for this parliamentary borough in respect of the occupation of lodgings within your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to this municipal borough and to your parish (*or township*)], and on or before the first day of September you are to sign and publish each of such lists on every church or chapel in your parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* in such area] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of these lists signed by you, and you are to allow the same and also the notices of objection to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days of September, both inclusive, and you are to deliver a copy of each of such lists to any person requiring the same, on the payment of a price for each copy after the rate contained in

A.D. 1877. the table numbered one in Schedule (D.) to the Parliamentary Electors Registration Act, 1843, being the Act of the sixth year of the reign of Her Majesty Queen Victoria, chapter eighteen.

If you shall find any such notice, list, register, or other document published by you as aforesaid, to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

On or before the twenty-ninth day of August you are to deliver to me a copy of the lists of voters, a copy of the lists of claimants, and a copy of the list of persons objected to, so respectively made out and signed by you as aforesaid.

You are to attend the court to be holden for the revision of the list of voters for this parliamentary borough and municipal borough, of the time of holding which notice will be given; and at the opening of such court you are there to deliver to the barrister before whom the same shall be holden the several lists made out by you and signed by you, and the original notices of objection and the original notices of claims given to you.

Herein if you fail you will be liable to the penalties in that case provided.

Given under my hand this day of one thousand eight hundred

(Signed) A.B.,

Town Clerk for the said Municipal Borough.

No. 2.

Parliamentary Borough } WE hereby give notice that no person will
of } be entitled to have his name inserted in any
Municipal Borough of } list of voters as a parliamentary voter for the
to wit } parliamentary borough of , or in
any list of voters as a municipal voter for the municipal borough of now about to be made in respect of the occupation of premises situate wholly or partly within this parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough within the area common to the said municipal borough and to this parish (or township)] unless he shall have paid on or before the twentieth day of July all the poor rates which have become due from him in respect of such premises up to the fifth day of January last past :

Nor to have his name inserted as a parliamentary voter in respect of any right conferred by the Reform Act, 1832, being the Act

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of the second year of the reign of King William the Fourth, chapter forty-five, in respect of such occupation in any list now about to be made of parliamentary voters for the said parliamentary borough, unless he shall have paid on or before the twentieth day of July all the assessed taxes which have become due from him in respect of such premises up to the fifth day of January last past :

Nor to have his name inserted as a municipal voter in respect of such occupation in any list now about to be made of municipal voters for the said municipal borough, unless he shall have paid on or before the twentieth day of July all the borough rates (if any) which have become due from him in respect of such premises up to the fifth day of January last past :

And all persons who omit to make such payments respectively will be incapable of being upon the next register of parliamentary voters for the parliamentary borough of _____, or upon the next register of municipal voters for the municipal borough of _____, as the case may be, in respect of such occupation.

Dated this _____ day of _____

(Signed) *A.B.* } Overseers of the parish
C.D. } [or township] of
E.F. }

No. 3.

Parliamentary Borough of _____ } THE LIST OF PARLIAMENTARY AND MUNI-
 of _____ } CIPAL VOTERS (OCCUPIERS) comprising the
 25 Municipal Borough of _____ to wit } names of persons entitled in respect of any
 right conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by section three of the Representation of the People Act, 1867,
 30 to vote in the election of a member [or members] to serve in Parliament for the parliamentary borough of _____ in respect of the occupation of premises situate wholly or partly within the parish [or township] of _____ [or if part only of the parish or township is situate within the area of the municipal borough within
 35 the area common to the municipal borough of _____ and to the parish (or township) of _____], and the names of persons entitled to be registered as municipal voters for the municipal borough of _____ in respect of the occupation of premises situate wholly or partly within the parish [or township] of _____
 40 [or if part only of the parish or township is situate

A.D. 1877. *within the area of the municipal borough* within the area common to the municipal borough of _____ and to the parish (or township) of _____] in three divisions, that is to say :

Division one, comprising the names of persons entitled in respect of any right conferred by the said Reform Act, 1832, or by section 5 three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the parliamentary borough of _____ in respect of the occupation of premises situate wholly or partly within the parish [*or township*] of _____ [*or if part only of the* 10 *parish or township is situate within the area of the municipal borough* within the area common to the municipal borough of _____ and to the parish (or township) of _____], and at the same time entitled to be registered as municipal voters for the municipal borough of _____ , in respect of the occu- 15 *pation of premises situate wholly or partly within the said parish [or township] [or if part only of the parish or township is situate within the area of the municipal borough* within the area common to the said municipal borough and to the said parish (or township)].

And division two, comprising the names of persons entitled in 20 respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the said parliamentary borough in respect of the occupation of premises situate wholly or partly within the said parish [*or town-* 25 *ship] [or if part only of the parish or township is situate within the area of the municipal borough* within the area common to the said municipal borough and to the said parish (or township)], but not entitled to be registered as municipal voters for the said municipal borough in respect of the occupation of premises situate as aforesaid. 30

And division three, comprising the names of persons entitled to be registered as municipal voters for the said municipal borough in respect of the occupation of premises situate wholly or partly within the said parish [*or township*] [*or if part only of the parish or township is situate within the area of the municipal borough* 35 *within the area common to the said municipal borough and to the said parish (or township)*], but not entitled in respect of any right conferred by the said Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the said parlia- 40 *mentary borough in respect of the occupation of premises situate as aforesaid.*

Division One.—Voters, both Parliamentary and Municipal.

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5	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house, if any.

Division Two.—Voters, Parliamentary only.

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house, if any.

Division Three.—Voters, Municipal only.

15	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [or Township] where the property is situate, and number of the house, if any.

(Signed) $\left. \begin{array}{l} A.B. \\ C.D. \\ E.F. \end{array} \right\}$ Overseers of the
parish [*or town-*
ship] of

No. 4.

20 ~ The list for the parish [or township] of _____ [or if
part only of the parish or township is situate within the area of the
municipal borough for the area common to the municipal borough
of _____ and to the parish (or township) of _____] of all
persons (freemen excepted) entitled in respect of any rights other
[59.] C 3

A.D. 1877.

than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member [*or members*] to serve in Parliament for the parliamentary borough of

5

Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or Township</i>] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].	10

(Signed)

A.B.
C.D.
E.F.

} Overseers of the parish
[*or township*] of

No. 5.

15

NOTICE OF CLAIM.

Parliamentary Borough
of
Municipal Borough of

} of

To the overseers of the parish [*or township*]

I hereby give you notice that I claim to have

my name inserted in [*or transposed from division* to] 20

division of the list made by you of parliamentary

and municipal voters (occupiers) within the parish [*or township*]

of [*or if part only of the parish or township is situate within the area of the municipal borough* within the area common to the municipal borough of and to the 25

parish (*or township*) of], [*or inserted in the list made by you for the parish (*or township*) of , or if part only of the parish or township is situate within the area of the municipal borough for the area common to the municipal borough of and to the parish (*or township*) of 30*

of persons (freemen excepted) entitled in respect of any rights other than those conferred by the Reform Act, 1832, being the Act of the second year of the reign of King William the Fourth, chapter forty-five, or by the Representation of the People Act, 1867, to vote in the election of a member (*or members*) to serve in Parliament 35

for the parliamentary borough of] and that the

particulars of my qualification and place of abode are stated in the columns below. A.D. 1877.

Dated this day of one thousand eight hundred and .

5

Christian Name and Surname of the Claimant at full length,	Place of Abode.	Nature of Qualification.	Street, lane, or other place in the Parish [<i>or</i> Township] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].

10

(Signed) G.H.

No. 6.

LIST OF CLAIMANTS TO BE PUBLISHED BY THE OVERSEERS.

15

Parliamentary Borough } The following persons claim to have their
of } names inserted or transposed in the list of par-
Municipal Borough of } liamentary and municipal voters (occupiers)
to wit }
within the parish [*or* township] of [*or if part*
only of the parish or township is situate within the area of the muni-
cipal borough within the area common to the municipal borough of
20 and to the parish (*or* township) of]
or claim to have their names inserted in the list for the parish (*or*
township) of [*or if part only of the parish or town-
ship is situate within the area of the municipal borough for the area*
25 common to the municipal borough of and to the
parish (*or* township) of] of persons (freemen ex-
cepted) entitled in respect of any rights other than those conferred
by the Reform Act, 1832, being the Act of the second year of the
reign of King William the Fourth, chapter forty-five, or by the
30 Representation of the People Act, 1867, to vote in the election of a
member (*or* members) to serve in Parliament for the parliamentary
borough of .

35

Christian name and Surname of each Claimant at full length.	Place of Abode.	Nature of Qualification.	Street, lane, or other place in this Parish [<i>or</i> Township] where the property is situate, and number of the house (if any) [<i>when the right of voting depends on property</i>].	List and division, if any, of the list of Voters in which the Claimant's name appears.	List and division, if any, of the List of Voters for which the claim is made.

40

(Signed) A.B. } Overseers of the parish
 C.D. } [*or* township] of
 E.F. }

A.D. 1877.

No. 7.

NOTICE OF OBJECTION.

To the overseers of the parish [*or township*] of _____ [*or*
to the town clerk of the municipal borough of _____, *or*
otherwise as the case may be]. 5

Parliamentary Borough } I hereby give you notice that I object to the
of } name of _____ being retained in division
Municipal Borough of } (*or in any division*) of the list of par-
to wit } liamentary and municipal voters (occupiers) within the parish [*or*
township] of _____ [*or if part only of the parish or township* 10
is situate within the area of the municipal borough within the area
common to the municipal borough of _____ and to the parish (*or*
township) of _____] [*or being retained in the list made by the*
overseers of the parish (*or township*) of _____ for the said
parish (*or township*) *or if part only of the parish or township is* 15
situate within the area of the municipal borough for the area com-
mon to the municipal borough of _____ and to the said
parish (*or township*) of persons (freemen excepted) entitled in respect
of any rights other than those conferred by the Reform Act, 1832,
being the Act of the second year of the reign of King William the 20
Fourth, chapter forty-five, or by the Representation of the People
Act, 1867, to vote in the election of a member (*or members*) to
serve in Parliament for the parliamentary borough of _____] [*or*
being retained in the list made by the town clerk of _____,
or otherwise as the case may be, of freemen entitled to vote in the 25
election of a member (*or members*) to serve in Parliament for the
parliamentary borough of _____].

Dated this _____ day of _____.

(Signed) A.B., of [place of abode],

On the list of voters as a parliamentary voter for the said 30
parliamentary borough, and as a municipal voter for
the said municipal borough [*or as a parliamentary*
voter for the said parliamentary borough] [*or as a*
municipal voter for the said municipal borough] for
the parish [*or township*] of _____ [*or for the* 35
area common to the municipal borough of _____
and to the parish or township of _____].

NOTE.—If there is more than one list of voters, the notice of
objection should specify the list to which the objection refers, and
if the list contains two or more persons of the same name, the 40
notice should distinguish the person intended to be objected to.

FORM OF NOTICE OF OBJECTION TO BE GIVEN TO PARTY
OBJECTED TO.

To Mr.

- 5 Parliamentary Borough } I hereby give you notice that I object to your
of } name being retained in division (or
Municipal Borough of } in any division) of the list of parliamentary and
to wit } municipal voters (occupiers) within the parish [or township]
of } [or if part only of the parish or township is situate
10 within the area of the municipal borough within the area common
to the municipal borough of and to the parish (or
township) of], [or being retained in the list made by
the overseers of the parish (or township) of for
the said parish (or township), or if part only of the parish or town-
15 ship is situate within the area of the municipal borough for the area
common to the municipal borough of and to
the said parish (or township) of persons entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth,
20 chapter forty-five, or by the Representation of the People Act, 1867,
to vote in the election of a member (or members) to serve in Par-
liament for the parliamentary borough of], [or
being retained in the list made by the town clerk of , or
otherwise as the case may be, of freemen entitled to vote in the
25 election of a member (or members) to serve in Parliament for the
parliamentary borough of].

Dated this day of

(Signed) A.B., of [place of abode],

- 30 On the list of voters as a parliamentary voter for the said
parliamentary borough, and as a municipal voter for
the said municipal borough [or as a parliamentary
voter for the said parliamentary borough] [or as a
municipal voter for the said municipal borough] for
the parish [or township] of [or for the
35 area common to the municipal borough of
and to the parish or township of].

A.D. 1877.

No. 9.

LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE
OVERSEERS.

Parliamentary Borough } The following persons have been objected
of }
Municipal Borough of } to as not being entitled to have their names 5
to wit } retained in some division or in any division
of the list of parliamentary and municipal voters (occupiers)
within the parish [*or township*] of [*or if part only of*
the parish or township is situate within the area of the municipal
borough within the area common to the municipal borough of 10
and to the parish (*or township*) of] or as
not being entitled to have their names retained in the list made by
the overseers of the said parish [*or township*] for the said parish
[*or township*] [*or if part only of the parish or township is situate*
within the area of the municipal borough for the area common to 15
the municipal borough of and to the said parish [*or*
township)] of persons (freemen excepted) entitled in respect of any
rights other than those conferred by the Reform Act, 1832, being
the Act of the second year of the reign of King William the Fourth,
chapter forty-five, or by the Representation of the People Act, 1867, 20
to vote in the election of a member [*or members*] to serve in
Parliament for the parliamentary borough of

Christian Name and Surname of each Person ob- jected to.	Place of Abode.	Nature of the supposed Qualification.	Street, lane, or other place in the Parish [<i>or Township</i>] where the property is situate, and number of the house (if any) [<i>when the right of</i> <i>voting depends on property</i>].	List and division, if any, of List to which Objection is made

Signed *A.B.* } Overseers of the parish 30
 C.D. } [*or township*] of
 E.F. }

A.D. 1877.

No. 10.

To *A.B.*

Municipal Borough } Take notice, that you will not be entitled to
 of } have your name inserted in the list of municipal
 5 voters for this municipal borough now about to be made in respect
 of the premises in your occupation in

[*street or place*] unless you pay, on or before the twentieth day of July next, all the poor rates and borough rates (if any) which have become due from you in
10 respect of such premises up to the fifth day of January last, amounting to £., and if you omit to make such payment you will be incapable of being in the next register of municipal voters for this municipal borough.

15 Dated the _____ day of June, one thousand eight hundred and _____.

C.D. } Overseers,
E.F. }

or

G.H. Assistant Overseer,

or

I.K. Collector of the parish
[or township] of

20

Parliamentary and Municipal Registration.

A

B I L L

To amend the Law relating to Parliamentary and Municipal Registration in certain Boroughs.

(Prepared and brought in by
Mr. Marten, Mr. Torr, and Mr. Dods.)

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 59.]

Under 4 oz.

Parliamentary Elections and Corrupt Practices Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short titles of Acts.
2. Definitions.

Additional Inquiry into Corrupt Practices.

3. Report by election judge as to being prevented from reporting respecting corrupt practices by concealment of material facts or other acts by parties to the petition.
4. Effect of report of the judge as to being prevented from reporting respecting corrupt practices.

Amendment of Law as to Election Petitions.

5. Power to try election petition elsewhere than in county or borough.
6. Vote given to person disqualified for corrupt practice not thrown away until reported guilty by election tribunal.

Amendment of Corrupt Practices Acts.

7. Limitation of time for prosecution of corrupt practices.

Miscellaneous.

8. Repeal of Acts.
9. Continuance of Acts.

SCHEDULES.

A

B I L L

TO

Amend and continue the Acts relating to Election Petitions, and to the prevention of Corrupt Practices at Parliamentary Elections. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as the Parliamentary Elections Act, Short titles
of Acts.
1877.

The Acts mentioned in the first part of the first schedule to this Act are in this Act referred to and may be cited as the Corrupt Practices Acts, 1854 to 1863, and each of them may be cited as the
10 Corrupt Practices Prevention Act of the year in which it was passed.

The Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, intituled "An
15 " Act to provide for more effectual inquiry into the circumstances
" of corrupt practices at elections for members to serve in Parlia-
" ment," is in this Act referred to and may be cited as the Election Commissioners Act, 1852.

2. Expressions in this Act shall have the same meaning as they Definitions.
20 have in the Parliamentary Elections Act, 1868.

Additional Inquiry into Corrupt Practices.

3. Where any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition relates, the judge shall, in addition to the certificate
25 required by section eleven of the Parliamentary Elections Act, 1868,
[Bill 163.] Report by
election
judge as to
being pre-
vented from
reporting

A.D. 1877. and at the same time report in writing to the Speaker whether the parties to the petition, or any of them, have by concealing or attempting to conceal or wilfully preventing the disclosure of material facts, or by withdrawing the petition, or by abandoning the opposition thereto, or otherwise prevented the judge from ascertaining the particulars respecting corrupt practices required by the said section to be reported in writing to the Speaker.

respecting corrupt practices by concealment of material facts or other acts by parties to the petition.

Effect of report of judge as to being prevented from reporting respecting corrupt practices.

4. If the judge reports that the parties to the petition, or any of them, have in manner aforesaid prevented him from ascertaining the particulars respecting corrupt practices required by the said section to be reported in writing to the Speaker, such report shall, for all the purposes of the Election Commissioners Act, 1852, have the same effect and may be dealt with in the same manner as if it were a report of a committee of the House of Commons appointed to inquire into the existence of corrupt practices, and upon a joint address of both Houses of Parliament to Her Majesty Commissioners may be appointed accordingly under the last-mentioned Act.

Amendment of Law as to Election Petitions.

Power to try election petition elsewhere than in county or borough. See 31 & 32 Vict. c. 125. s. 11, § 11.

5. The court may, with the consent of all parties to an election petition, direct the trial of that petition to take place, if it relates to an election in England, at London or Westminster, and if it relates to an election in Scotland at Edinburgh, and if it relates to an election in Ireland at Dublin, or to take place in any other place which appears to such judge to be convenient.

A judge trying an election petition shall be received, and the expenses of receiving him and providing him with necessary accommodation at the proper court shall be defrayed—

- (1.) Where he tries it at London or Westminster in like manner as if he were sitting at nisi prius in London or Westminster as the case may be; and
- (2.) Where he tries it at Edinburgh in like manner as if he were holding a jury trial at Edinburgh; and
- (3.) If he tries it at Dublin, as if he were sitting at nisi prius in Dublin.

Vote given to person disqualified for corrupt practice not thrown away until reported guilty by election tribunal.

6. On the trial of a petition relating to an election a vote given for a candidate who is incapable of being elected by reason of having been guilty by himself or his agents of any corrupt practice shall not be deemed to have been thrown away, unless such candidate has previously to his nomination been reported to have been so guilty by a Committee of the House of Commons, or by the report of the judge upon an election petition.

Amendment of Corrupt Practices Acts.

A.D. 1877.

7. A person shall not be liable to any punishment, penalty, or forfeiture in respect of any offence under the Corrupt Practices Prevention Acts, 1854 to 1863, unless the prosecution of such
 5 offence, or the legal proceeding for the recovery of such penalty or forfeiture, be commenced within one year after the offence is committed, or—where the offender is reported by the judge trying an election petition relating to the election at which the offence is alleged to have been committed, or by commissioners appointed
 10 in pursuance of the Election Commissioners Act, 1852, to inquire into the conduct of that election, to have been guilty of a corrupt practice,—then within one year after such report is laid before Parliament.

Limitation of time for prosecution of corrupt practices. See 17 & 18 Vict. c. 102. s. 14. 26 & 27 Vict. c. 29. s. 5.

For the purposes of this section the issue of a summons, warrant,
 15 writ, or other process shall not be deemed to be a commencement of a prosecution or legal proceeding until it has been served on or executed against the alleged offender, except where such service or execution is prevented by the absconding or concealment or act of the alleged offender.

20 *Miscellaneous.*

8. The Acts mentioned in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that such repeal shall not render any person
 25 liable to any prosecution, penalty, or forfeiture to which he would not have been liable if this repeal had not been enacted.

Repeal of Acts.

9. This Act and the Acts mentioned in the first schedule to this Act, so far as they are unrepealed, shall continue in force until the
thirty-first day of December one thousand eight hundred and
seventy-eight, and to the end of the then next session of Parlia-
 30 ment, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

Continuance of Acts.

A.D. 1877.

FIRST SCHEDULE.

ACTS REFERRED TO.

Session and Chapter.	Title.	
PART I.		
17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854.	5
21 & 22 Vict. c. 87	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	
26 & 27 Vict. c. 29	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.	
PART II.		
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	10
32 & 33 Vict. c. 21	The Corrupt Practices Commission Expenses Act, 1869.	
34 & 35 Vict. c. 61	The Election Commissioners Expenses Act, 1871.	

SECOND SCHEDULE.

ACTS REPEALED.

15

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854	Section fourteen.
26 & 27 Vict. c. 29 -	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.	Section five.

20

Parliamentary Elections and Corrupt Practices.

A

B I L L

To amend and continue the Acts relating to Election Petitions, and to the prevention of Corrupt Practices at Parliamentary Elections.

(*Prepared and brought in by*
Mr. Attorney General, Mr. Secretary Cross, and
Mr. Solicitor General.)

Ordered, by The House of Commons, to be Printed,
10 May 1877.

[Bill 163.]

Under 1 oz.

A

B I L L

TO

Amend the Law relating to the Registration of Parliamentary Electors. A.D. 1877.

WHEREAS it is expedient to amend the laws relating to the qualification and registration of voters :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Preliminary.

1. This Act may be cited for all purposes as The Parliamentary Electors Registration Amendment Act, 1877. Short title.

10 2. This Act shall not apply to Scotland or Ireland.

Extent of Act.

Qualification of Voters.

3. It shall not be a necessary part of the qualification of a voter that he shall reside within a prescribed distance from any city or borough for which he is otherwise entitled to vote as an occupier. Distance of residence immaterial to qualification.

15 4. Different qualifications held in immediate succession by any person shall have the same effect in qualifying such person to vote for a county, city, or borough as a continuation of the same qualification. Successive qualification equivalent to a continuation of the same qualification.

20 5. The period of qualification of all parliamentary voters shall end on the *twenty-fourth day of June*, instead of on the last day of July, in each year, and the notice to be given by overseers, under the eleventh section of the sixth Victoria, chapter eighteen, for payment of rates and taxes shall be given on or before the *twentieth of May* instead of the twentieth of June in every year, and the payment of such rates and taxes shall be made on or before the *twentieth of June* instead of the twentieth of July in every year. Period of qualification and notice for payment of rates and taxes.

[Bill 53.]

A.D. 1877.

Structural
severance
not essential.

6. The qualifying premises not being structurally severed from some other premises shall not invalidate the qualification of a voter, if the same, in the opinion of the revising barrister, would have been sufficient had structural severance been proved.

"Chambers"
or "office"
to be a suffi-
cient descrip-
tion of
premises.

7. Qualifying premises described as "chambers" or "office" shall be considered sufficiently described, and as if the word chambers and office had been inserted in the twenty-seventh section of the Act of the second year of the reign of King William the Fourth, chapter forty-five. It shall not be necessary that such chambers shall be the residence of the occupiers, nor that such office shall be occupied for commercial purposes.

Residence
of landlord
on premises
occupied
by lodger-
voter un-
necessary.

8. It shall not be necessary to the qualification of a lodger that his landlord shall reside in or have any control (other than as a landlord) over the premises of which the qualification forms part.

Registration of Voters.

15

Registers
of voters to
be printed
in street
order.

9. The registers and lists of voters in respect of occupation in counties, cities, and boroughs shall be printed for each parish in the same order as the premises appear in the rate book, or as near thereto as will cause the said register and lists to record the qualifying premises in successive order in the street or other place of situation.

Overseers
to mark
the names
"objected"
or "dead"
when neces-
sary.

10. The overseers shall add the words "objected" or "dead" in the margin of the lists of claims in cities or boroughs, in the same manner as now required on lists of claims to vote in counties, by virtue of the fifth section of the Act of the sixth year of the reign of Queen Victoria, chapter eighteen.

25

Notice of
objection to
state specific
ground of
objection.

11. The notice required by the seventeenth and twentieth sections of the Act of the sixth year of the reign of Queen Victoria, chapter eighteen, to be given to parties objected to in cities or boroughs shall state specifically the ground or grounds of objection, and sections seven and eight of the Act of the twenty-eighth and twenty-ninth years of the reign of Queen Victoria, chapter thirty-six, as amended by this Act, shall extend to such objections.

30

In case of
death of
objector,
another duly
qualified
person may
take his
place.

12. In the event of an objector dying before the validity of any objection made by him has been decided, it shall be competent for any other person (qualified to object for the same county, city, or borough) to proceed with such objection on his giving notice of such his intention to the party objected to, which notice shall be served in the same manner as the original notice is required to be served; and thereafter the proceedings thereon shall be continued as if such substituted objector had been the original objector.

40

13. A revising barrister shall have power in his discretion to require any person to attend to give evidence or produce documents before him, at any court to be holden by him, and such person shall attend accordingly. The revising barrister may allow such witness
 5 his expenses and direct payment thereof by the party requiring his attendance. Any person who shall wilfully refuse or neglect, when duly required by summons, under the hand of any revising barrister, to attend before such barrister, according to the exigency of such summons, shall, upon proof before him of the service of
 10 such summons, be liable to pay by way of fine for every such offence a sum of money *not exceeding five pounds nor less than twenty shillings*, to be imposed by and at the discretion of such barrister.

A.D. 1877.

Revising barrister may require attendance of witness and production of documents, and may allow expenses.

14. When the name of any person appears more than once upon
 15 any list or register for the same county, city, or borough, the revising barrister, upon being satisfied that the entries relate to the same person, shall add the word "duplicate" in the margin of the said list or register against each repeated name of such person, after the first entry thereof; and such person shall not vote at any
 20 parliamentary election in respect of any such duplicate qualification. Provided, that if such person shall deliver or cause to be delivered a claim in writing to the revising barrister at the opening of his first revision court in any year for such county, city, or borough, electing to vote on one particular qualification, the
 25 revising barrister shall allow such selection, and the other entries of the same person's name on the said list or register shall be marked "duplicate" as aforesaid. In printing the register no number shall be prefixed to any name so marked "duplicate," and in all subsequent lists and registers, on the preparation thereof, the
 30 word "duplicate" shall be added in the margin thereof, against such duplicates, until altered by the revising barrister.

Revising barrister may order duplicates to be marked as such in the register, but voter may elect a particular qualification.

15. The production of the notice of objection under section eight of the twenty-eighth and twenty-ninth Victoria, chapter thirty-six, shall not be necessary if the revising barrister is satisfied that the
 35 name of the person claiming costs was properly inserted in the list of persons objected to.

Production of notice of objection not necessary under certain circumstances.

16. Notwithstanding the omission of the name of any person from, or the entry of a wrong name in the occupiers column of any rate book, if any person prove that he was the occupier whose name
 40 should have been inserted he shall be deemed, for the purposes of the revision of voters, to have been the rated occupier, and on proof

Omission of name from rate book may be waived on proof of qualification.

A.D. 1877. of the other requisites of his qualification his name shall be retained on the register or list.

Name wrongly entered may be struck off. 17. Any name so proved to have been wrongly entered in any rate book shall be struck off the register or list when any other person's name has been admitted under the last section in respect of the same qualification. 5

Costs of successful appeal may be allowed. 18. The costs of an appellant against the decision of any revising barrister shall (if the appeal be allowed) be in the discretion of the court hearing the appeal, and, if ordered to be paid, shall be paid by the clerk of the peace, town clerk, or returning officer, as the case may be, acting for the county, city, or borough to which such appeal relates, who shall charge the same in his account of the registration expenses. 10

Commence-ment of Act. 19. This Act shall come into operation on the *twentieth day of May* next after the passing thereof. 15

Parliamentary Electors Registration.

A

B I L L

To amend the Law relating to the Registration of Parliamentary Electors.

(Prepared and brought in by
Mr. Boord, Sir Charles Dilke, and Mr. Groutham.)

Ordered, by The House of Commons, to be Printed,
9 February 1877.

[Bill 53.]

Under 1 oz.

Parliamentary Registration (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Definition of "Principal Act," "Registration Acts."
2. Extent.
3. Short title.
4. Grounds of objection to be stated in notice.
5. Each ground of objection to be treated as separate objection.
6. Costs to be awarded where objections fail.
7. 12 & 13 Vict. c. 91. s. 63. repealed.
8. Poor rate collectors to enter objections on lists.
9. Sixty-seventh section of "Principal Act" to apply to poor rate collectors.
10. Poor rate collectors to attend revision courts and to subscribe oath.
11. Remuneration of poor rate collectors.
12. Medical relief not to disqualify.
13. Power to enforce attendance of witnesses, and to imprison for contempt in case of persons refusing to give evidence.
14. Revision courts to be held at polling stations.
15. Register to contain post towns.
16. Notices to be posted at churches.
17. Precepts, &c. to be made conformable.
18. Construction of Act.
19. Date of coming into operation.

SCHEDULE.—Oath to be taken by certain persons.

A
B I L L

TO

Amend the Law relating to the Registration of Parliamentary Voters in Ireland; to facilitate the obtaining of the Franchise by Persons entitled; and for other purposes. A.D. 1877.

WHEREAS it is expedient to facilitate the registration of persons entitled to the franchise, and to prevent frivolous objections, and it is expedient to provide a remedy in that behalf in the same manner as same has been already provided in the counties, cities, towns, and boroughs in England:

And whereas other amendments are required in the laws relating to the registration of parliamentary electors in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

1. "Principal Act" shall mean the Act passed in the session of the thirteenth and fourteenth years of Her present Majesty, chapter sixty-nine, as amended by the "Registration Acts." "Registration Acts" in this Act shall mean the Act of the thirteenth and fourteenth years of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualification of persons entitled to vote at the election of members to serve in Parliament for Ireland as amended by this Act.

Definition of
"principal
Act" and of
"Registration
Acts."

2. This Act shall apply to Ireland only, but shall not extend to the borough of the University of Dublin.

Extent of
Act.

3. This Act may be cited for all purposes as the Registration Amendment (Ireland) Act, 1877.

Short title.

Prevention of frivolous Objections.

4. A notice of objection given under sections twenty-six or thirty-six respectively of the "principal Act" to any person upon any

Notices of
objection
shall state

[Bill 15.]

A 2

A.D. 1877. list of voters shall not be valid unless the ground or grounds of objection be specifically stated therein; and each ground of objection shall be deemed a separate ground of objection; the notice of such objection to be given to the clerk of the peace or town clerk shall be a copy of the notice given to the person objected to. 5

See 13 & 14 Vict. c. 69. s. 55. No person objected to by a notice under the said section of the principal Act, as amended by this section, shall be required to give evidence before the chairman or revising barrister in support of his right to be registered otherwise than as such right is called in question in the ground or grounds of objection specified in the 10 notice.

Each ground of objection to be treated as a separate objection, and costs awarded. 13 & 14 Vict. c. 69. s. 62. 5. Every separate ground of objection in any notice given in accordance with this Act shall be treated by the chairman or revising barrister as a separate objection; and for every such ground of objection which, in the opinion of the chairman or revising 15 barrister, has been groundlessly or frivolously and vexatiously stated, he shall, on the application of the person objected to, or any one on his behalf, and upon the production of the notice of objection, award costs against the objector to the amount of at least *two shillings and sixpence*, and this though the name of the person 20 objected to be expunged upon some other ground of objection stated in the same notice of objection.

Costs to be awarded in case of objection not being proved. 6. Where any objection is made to any person appearing on any list of voters for any county, city, town, or borough, or to any person claiming to be on such list of voters, and the name of the 25 person so objected to is retained on or inserted in the list by the chairman or revising barrister, the chairman or revising barrister shall, unless for special reasons he otherwise determine, order costs to be paid to the person objected to, to such an amount as in his discretion he shall think fit. 30

12 & 13 Vict. c. 91. s. 63. repealed. 7. *From and after the passing of this Act* no person shall be omitted from any rate made on premises situate in the city of Dublin, or from any list of persons entitled to vote at the election of Members of Parliament for such city, by reason of anything contained in the sixty-third section of an Act passed in the session of 35 Parliament held in the twelfth and thirteenth years of Her present Majesty, entitled "An Act to provide for the collection of rates in the city of Dublin," but every occupier of premises within the said city shall be entitled to have his name inserted in any rate, and

in any list of voters, in the same manner to all intents and purposes as if the said recited section never had been passed. A.D. 1877.

Miscellaneous.

8. The clerk of each poor law union wholly or in part within the limits of any county in Ireland, after he shall have made out the supplemental list in the twentieth section of the "principal Act" mentioned and directed to be made out, but before transmitting the same to the clerk of the peace of the county as in said section is mentioned, shall deliver such supplemental list to the respective collector or collectors of poor rate for such respective barony or division of a barony; and such collector or collectors shall upon such list enter objections before the names of persons in such supplemental list contained, and not entitled to be on the register next to be made, in like manner in all respects and in the like cases as in the nineteenth section of the principal Act is directed and required with regard to the copy of register of such barony or division of a barony, and such respective poor rate collector or collectors shall return such lists to the clerk of the union in sufficient time to enable such clerk of the union to deal with said list, as is directed by the twentieth section of the said principal Act.

Poor rate collectors to enter objections on list.
13 & 14 Vict.
c. 69. s. 20.

9. The provisions of the sixty-seventh section of the "principal Act" shall apply to all poor rate collectors as fully as the same apply to any clerk of the peace or town clerk.

Certain provisions of the 13 & 14 Vict. c. 67 to apply to poor rate collectors.

10. In each court of revision holden in or for any such county, city, town, or borough, every collector of poor rate or other officer or person having the custody of any such rate or rate-books (whose duty it is under any of the Registration Acts to assist in the preparation, revision, or correction of the lists of voters) shall attend before the chairman or revising barrister, and shall answer upon oath all such questions as such chairman or revising barrister may put to him, and shall also at the commencement of each revision make and subscribe the oath contained in the schedule hereto; and it shall be lawful for the chairman or revising barrister, from time to time as there shall be occasion, to fine any such collector of poor rate or other officer who shall be guilty of any breach of duty in execution of this Act any sum not exceeding *five pounds*.

Poor rate collectors to attend revision courts and subscribe oath. Power to fine persons guilty of breach of duty a sum not exceeding 5*l*.

11. The guardians of the poor of each union of every county, city, town, or borough shall, by order, make such annual allowance out of the rates to the poor rate collectors, as compensation for the duty by this Act imposed upon them, as the said guardians

Remuneration to poor rate collectors.

A.D. 1877. shall think proper; but no such order shall be acted on, nor any payment made thereunder, until the same shall be approved of by the Local Government Board.

Medical relief not to disqualify.

13 & 14 Vict. c. 69. s. 111.

12. Section one hundred and eleven of the "Principal Act" shall not apply to persons who shall receive medical but no other relief under the Acts for the more effectual relief of the poor in Ireland.

Power to enforce attendance of witnesses summoned.

13 & 14 Vict. c. 39. s. 56.

13. Any person who shall refuse or neglect, when duly required by summons under the hand of any chairman or revising barrister, to attend before such chairman or revising barrister at any court to be holden under the "principal Act," or under any other Act empowering a chairman or revising barrister to hold courts for the revision of lists of parliamentary voters, for the purpose of being examined as a witness, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding *five pounds* nor less than *twenty shillings*, to be imposed by and at the discretion of the said chairman or revising barrister holding any such court as aforesaid, and to be recovered in the same manner as the other fines imposed by said Act are now by law recoverable.

Persons refusing to give evidence liable to imprisonment.

Any person who shall have been duly summoned and shall refuse to give evidence before the chairman or revising barrister at any court to be holden under the principal Act, or under any other Act empowering a chairman or revising barrister to hold courts for the revision of lists of parliamentary voters, shall be liable to imprisonment for contempt of court for a period not exceeding *six weeks*, at the discretion of the chairman or revising barrister.

Revision courts to be held at polling stations.

14. The chairman or revising barrister of every county or riding shall hold open courts for the revision of the lists of voters at each of the places which may be from time to time appointed as polling places for such county or riding: Provided always, that the Lord Lieutenant or other chief governor or governors of Ireland may, if he or they shall consider any of such places inconvenient for the purpose of holding such revision courts, appoint such other places within the said county or riding as he or they shall think more convenient and suitable for the revision of voters for such county or riding.

Register lists of voters, &c. for counties to contain post towns of places of abode of persons on such register and lists.

15. Every year after the year *one thousand eight hundred and seventy-seven* the register for each county in Ireland, and every list of voters or list of claimants for such county, shall contain the post town of the place of abode of every person whose name shall be upon such register, list of voters or list of claimants, for such county.

16. In every case where by the principal Act or any of the other Registration Acts, any notice, list, register, or other document shall be required to be posted or kept at or near the police station, such notice, list, register, or other document shall also be posted at the doors of every chapel and church in the barony where such notice, list, register, or other document is required to be posted, and at the market places at which notices are usually published.

17. All precepts, instruments, proceedings, and notices relating to the registration of voters shall be framed and expressed in such manner and form as may be necessary for the carrying of the provisions of this Act into effect.

18. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the enactments of the "Registration Acts;" and the words and expressions to which by the "Registration Acts" meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context.

19. This Act shall come into force on the *first of December one thousand eight hundred and seventy-seven.* Date of
operation of
Act.

SCHEDULE.

20 OATH to be taken by CLERK of the PEACE, TOWN CLERK, POOR RATE COLLECTOR, at the commencement of the sitting of REVISION COURT.

I make oath and say that I have honestly and faithfully and to the best of my ability discharged all the duties imposed upon me by law relating to the preparation, revision, and correction of the lists of voters which are to be revised at the present court of revision.

(Signed)

Served this day of before me

30 [The chairman or revising barrister.]

Parliamentary Registration (Ireland).

A

BILL

To amend the Law relating to the Registration of Parliamentary Voters in Ireland; to facilitate the obtaining of the Franchise by Persons entitled; and for other purposes.

*(Prepared and brought in by
Mr. Mitchell Henry, Mr. Meldon, and Mr. Butt.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 15.]

Under 1 oz.

Patents for Inventions Bill.

ARRANGEMENT OF CLAUSES.

No.	Marginal Note.	Former enactments.*
<i>Preliminary.</i>		
1	Short title - - - -	1852, s. 56.
2	Commencement of Act - - -	1852, s. 57.
3	Repeal of enactments in Schedule.	
4	Interpretation - - - -	1852, s. 55.
<i>Commissioners. Examiners.</i>		
5	Commissioners of Patents - - -	1852, s. 1.
6	Examiners and Assistant Examiners of Patents.	
<i>Application: Proceedings thereon.</i>		
7	Filing of application and provisional specification -	1852, ss. 6, 9, 11, 12.
8	Provisional protection - - - -	1852, s. 8.
9	Reference to and report by examiner.	
10	Complete specification.	
11	Publication of complete specification and other documents.	
12	Further reference to and report by examiner.	
13	Reference to and report by law officer - - -	1852, s. 8.
14	Notice to proceed - - - -	1852, s. 12.
<i>Sealing.</i>		
15	Warrant for sealing - - - -	1852, ss. 15, 18.
16	Petition for sealing.	
17	Petition against sealing.	
18	Time for sealing - - - -	1852, ss. 19, 20, 23.
19	Sealing and extent of patent - - -	1852, s. 18.
<i>Duration: Cesser: Renewal.</i>		
20	Duration of patent. Certificate of renewal at end of third, seventh, and fourteenth year.	1853, c. 5. s. 2.
<i>Crown.</i>		
21	Patent to bind Crown.	
<i>Use of Invention: Obligation to license.</i>		
22	Patent revocable if not used or licences not given.	

* 1835=5 & 6 Will. 4. c. 83.

1839=2 & 3 Vict. c. 67.

1844=7 & 8 Vict. c. 69.

1852=15 & 16 Vict. c. 83.

[Bill 64.]

1853, c. 5.=16 & 17 Vict. c. 5.

1853, c. 115.=16 & 17 Vict. c. 115.

1865=28 & 29 Vict. c. 3.

1870=33 & 34 Vict. c. 27.

No.	Marginal Note.	Former enactments.
<i>Foreign and Colonial Inventions.</i>		
23	Conditions of patents for foreign and colonial inventions.	1852, s. 25.
<i>Amendment.</i>		
24	Amendment of specification	1835, s. 1. 1844, s. 5. 1852, ss. 8, 39.
<i>Revocation.</i>		
25	Petition for revocation instead of scire facias.	
<i>Assignments. Licences.</i>		
26	Assignment for part of United Kingdom	1852, s. 35.
27	Register of proprietors	1852, s. 35.
28	Correction of register	1852, s. 38.
<i>International, Industrial, and other Exhibitions.</i>		
29	Protection of inventions at exhibitions	1865, ss. 2, 3. 1870, ss. 2, 4.
<i>Foreign Vessels.</i>		
30	Foreign vessels in British waters	1852, s. 26.
<i>Fraud. Offences.</i>		
31	Patent to first inventor not invalidated by application in fraud of him.	1852, s. 10.
32	Falsification of entries in register	1852, s. 37.
33	Penalty for unauthorized use of name of patentee, mark of word patent, &c.	1835, s. 7.
34	False declaration misdemeanour	1852, s. 6. and Schedule.
<i>Procedure.</i>		
35	Nomination of examiner.	
36	Power for law officer to administer oaths, &c.	
37	Costs of opposition	1852, s. 14.
38	Power for Lord Chancellor to extend time in certain cases.	1852, s. 20. 1853, c. 115. s. 6.
39	Hearing of petitions.	
40	Dismissal of petition for want of interest.	
41	No appeal on petition.	
42	Costs on petition.	
43	Particulars on petitions and in actions	1835, s. 5. 1852, s. 41.
44	Costs in actions for infringement	1835, ss. 3, 6. 1852, s. 43.
45	Power of court in action for infringement	1852, s. 42.
46	Attendance of expert.	
47	Power for Lord Chancellor to make general orders.	

No.	Marginal Note.	Former enactments.
<i>Commissioners. Patent Office.</i>		
48	Seal of commissioners - - - - -	1852, s. 2.
49	Sealed copies to be received in evidence - - - - -	1853, c. 115. s. 4.
50	Offices - - - - -	1852, s. 4.
51	Clerks, officers, &c. - - - - -	1852, ss. 5, 48.
52	General duties of examiners and assistants.	
53	Power for commissioners to make general rules regulating details, business of office, &c.	1852, ss. 3, 13, 29, 30, 32, 34.
54	Annual report of commissioners - - - - -	1852, ss. 3, 51.
55	Quorum of commissioners - - - - -	1852, s. 1.
<i>Stamps.</i>		
56	Stamp duties in schedule - - - - -	1853, c. 5. s. 3.
<i>Scotland.</i>		
57	Costs of opposition - - - - -	1852, s. 14.
58	Saving for courts - - - - -	1852, s. 43.
59	Proceedings for revocation of patent - - - - -	1852, ss. 35, 43.
60	Recovery of penalty for unauthorized use of name, &c.	1835, s. 7.
<i>Ireland.</i>		
61	Reservation of remedies - - - - -	1852, s. 29.
<i>Transitory Provisions.</i>		
62	Saving for effect of repeal and for rights accrued, existing patents, pending applications, &c.	
63	Commissioners under former Acts to be deemed continued, &c.	
64	Extension to existing patents of provisions respecting renewal.	
65	Provision for foreign and colonial patents taken before commencement of Act.	
<i>Savings.</i>		
66	Saving for powers of Lord Chancellor - - - - -	1852, s. 15.
67	Reservation of powers to Crown - - - - -	1852, s. 16.
68	Saving for prerogative - - - - -	1852, s. 16.
SCHEDULES.		

A
B I L L

FOR

Consolidating, with Amendments, the Acts relating to Letters Patent for Inventions. A.D. 1877.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Preliminary.*

1. This Act may be cited as The Patents for Inventions Act, Short title.
[1852, s. 56.]
1877.

2. This Act, except where it is otherwise expressed, shall com- Commence-
ment of Act.
[1852, s. 57.]
10 *one thousand eight hundred and seventy-seven*, which time is in this Act referred to as the commencement of this Act.

3. The enactments described in the first Schedule to this Act are hereby repealed. Repeal of
enactments
in Schedule.

4. In this Act— Interpreta-
tion.
[1852, s. 55.]
15 “The Lord Chancellor” means the Lord High Chancellor of Great Britain for the time being, and includes the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the time being :

20 “The High Court” means in England Her Majesty's High Court of Justice, and in Ireland Her Majesty's High Court of Justice, or other the court having jurisdiction in and cognisance of the matter referred to :

“The Treasury” means the Commissioners of Her Majesty's Treasury, or two of them :

25 “The Law Officer” means Her Majesty's Attorney General or Solicitor General for England for the time being :

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of

[Bill 64.]

A

A.D. 1877.

the twenty-first year of the reign of King James the First, chapter three, intituled An Act concerning Monopolies and Dispensations with Penal Laws and the Forfeiture thereof), and includes an alleged invention :

“Patent” means letters patent for an invention : 5

“Patentee” means the grantee of a patent, and includes an assignee of the whole or part of the interest of the grantee, and the executors and administrators of the grantee or assignee :

“Application” means application for a patent : 10

“Applicant” means the person making application, and includes his executors, administrators, and assigns :

“Infringement” means an infringement of the exclusive privilege of a patent :

“Prescribed” means prescribed by general orders or general 15 rules under this Act.

Provisions referring to the United Kingdom extend to the Channel Islands and the Isle of Man.

Commissioners. Examiners.

Commis-
sioners of
Patents.
[1852, s. 1.]

5. The Commissioners of Patents for Inventions (in this Act 20 referred to as the commissioners) shall, from the passing of this Act, be the Lord Chancellor, the Master of the Rolls, the two Law Officers, Her Majesty’s Advocate and Solicitor General for Scotland, and Her Majesty’s Attorney General and Solicitor General for Ireland, and such *five* other persons as Her Majesty, from time to 25 time, by warrant under Her Royal Sign Manual, on the recommendation, as regards *two*, of the Lord Chancellor, and, as regards the others, of the Board of Trade, thinks fit to appoint to be commissioners during Her Majesty’s pleasure.

The commissioners shall have an office called the Patent Office. 30

Examiners
and Assis-
tant Exa-
miners of
Patents.

6. There shall, after the passing of this Act, be Examiners and Assistant Examiners of Patents (in this Act referred to as the examiners and assistant examiners).

The number of the examiners shall be *two*, and the number of the assistant examiners shall be *two* or more, not exceeding *four*, as 35 the Lord Chancellor, with the consent of the Treasury, from time to time directs.

The examiners and assistant examiners shall be appointed by the Lord Chancellor by writing under his hand.

They shall be specially qualified for the office by legal or scientific 40 knowledge.

The instrument of appointment in each case shall state that in the opinion of the Lord Chancellor the person appointed is so qualified.

Application : Proceedings thereon.

A.D. 1877.

7. An application shall be made by the applicant filing at the Patent Office an application and declaration, and a specification describing the nature of the invention (in this Act referred to as the provisional specification).

Filing of application and provisional specification.
[1852, ss. 6, 9, 11, 12.]

Notice of the application (but not the provisional specification itself) shall be published by the Commissioners.

8. The use and publication of the invention, after the application and within a period of *twelve* months from the date of the application, shall not prejudice the grant of a patent for the invention (which protection from the consequences of use and publication is in this Act referred to as provisional protection).

Provisional protection.
[1852, s. 8.]

9. On the filing of the application the commissioners shall refer the case to an examiner.

Reference to and report by examiner.

10 The examiner shall report to the commissioners his opinion —

(1.) Whether the invention is a proper subject for a patent within the Statute of Monopolies :

(2.) Whether the title of the invention and the provisional specification are properly framed and sufficient.

20 The report of the examiner shall be open to the applicant, but shall not be made public by the Commissioners.

10. Not less than *three months* before the end of the period of provisional protection, the applicant may file at the Patent Office a further specification, particularly describing and ascertaining the nature of the invention and in what manner the same is to be performed (in this Act referred to as the complete specification).

Complete specification.

30 If he fails to do so, he shall be deemed to have abandoned the application, and it shall not be further proceeded on ; and the provisional protection shall thereupon cease.

11. On the filing of the complete specification the Commissioners shall make public the application, and the documents relating thereto, including the provisional specification, the report of the examiner thereon, and the complete specification.

Publication of complete specification and other documents.

35 12. On the publication of the complete specification the Commissioners shall again refer the case to an examiner.

Further reference to and report by examiner.

The examiner shall report to the Commissioners his opinion, whether the complete specification is in conformity with the provisional specification, and is properly framed and sufficient.

40 If, on the examiner considering the case for the purpose of so reporting thereon, it appears to him, having regard to former

A.D. 1877. specifications and other documents in the Patent Office, and to publications known to him, that the invention is open to objection on the ground of want of novelty, he shall report to the Commissioners accordingly.

The Commissioners shall then make public the report of the 5 examiner.

Reference to
and report by
law officer.
[1852, s. 8.]

13. After that report of the examiner the commissioners shall refer the case to the law officer.

The law officer shall, if required, hear the applicant and any person entitled, in the opinion of the law officer, to be heard in 10 opposition to the grant.

The law officer shall report to the commissioners his opinion whether a patent may be allowed for the invention or not.

The Commissioners shall then make public the report of the law officer.

15

Notice to
proceed.
[1852, s. 12.]

14. After the report of the law officer, the applicant may within the prescribed time give notice at the Patent Office of his intention to further proceed with his application.

If he does not so give notice, he shall be deemed to have abandoned the application, and it shall not be further proceeded on; and 20 the provisional protection shall thereupon cease.

Sealing.

Warrant for
sealing.
[1852, ss. 15,
18.]

15. If the law officer reports in favour of the application, the commissioners shall, on the notice to proceed, prepare and submit to the Lord Chancellor a patent, with a warrant for the sealing thereof. 25

Petition for
sealing.

16. If the law officer reports against the application, the applicant may petition the Lord Chancellor for the grant and sealing of a patent.

Petition
against seal-
ing.

17. Any person may petition the Lord Chancellor against the sealing of a patent.

30

Time for
sealing.
[1852, ss. 19,
20, 23.]

18. A patent shall not be sealed after the expiration of the period of provisional protection.

A patent shall not be sealed unless a request for the sealing thereof is made within *three months* after the date of the warrant (if any), or unless (in the absence of a warrant) a petition for 35 the sealing thereof is presented within *three months* after the publication of the report of the law officer.

Every patent shall be dated the day of the application; but it shall not be competent for the patentee to take any proceeding in respect of an infringement committed before the publication of 40 the complete specification.

19. Every patent shall be sealed, or impressed with a stamp as prescribed, and, when so sealed or impressed, shall be deemed to be sealed with the Great Seal of the United Kingdom, and shall have effect throughout the United Kingdom.

A.D. 1877.
Sealing and
extent of
patent. 4
[1852, s. 18.]

5

Duration : Cesser : Renewal.

20. The term limited in every patent for the duration thereof shall (notwithstanding anything in the Statute of Monopolies) be *twenty-one* years from its date.

Duration of
patent.
Certificate
of renewal
at end of
third, &c.
year.
[1853, c. 5.
s. 2.]

But every patent shall, notwithstanding anything therein or in this Act contained, cease at the end of the *third*, or *seventh*, or *fourteenth* complete year of the term for which it is granted, unless before the respective end of the *third*, *seventh*, and *twelfth* complete year of that term the patentee takes out at the Patent Office a certificate of renewal, which shall be granted on his request in writing.

15

If, nevertheless, in any case, by accident, mistake, or inadvertence, the patentee fails so to take out a certificate of renewal, he may apply, by petition, to the Lord Chancellor for an enlargement of the time for taking out the same.

20 Thereupon the Lord Chancellor may, if he thinks fit, enlarge the time accordingly, on such terms (if any) as to him seem just, subject to the following restriction and condition :

(1.) The time for taking out such a certificate shall not in any case be enlarged so as to extend beyond *three months* from the expiration of the *third*, or *seventh*, or *twelfth* year aforesaid (as the case may be) :

25

(2.) No proceeding shall be taken in respect of an infringement committed within the enlarged time, unless leave to take such a proceeding is made part of the order for enlargement.

30

Crown.

21. A patent shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has as against a subject.

Patent to
bind Crown.

35 But the officers or commissioners administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the service of the Crown, on terms to be, before or after the use thereof, agreed on, with the approval of the Treasury,
40 between those officers or commissioners and the patentee, or, in default of such agreement, settled by the Treasury.

A.D. 1877.

Use of Invention : Obligation to license.

Patent re-
vocable if
not used or
licences not
given.

22. A patent shall be liable, at any time after the expiration of *three years* after its date, to be revoked on either of the following grounds :

- (1.) That the patentee fails to use or put in practice the in- 5
vention, by himself or his licensees, to a reasonable
extent, within the United Kingdom, or to make reasonable
efforts to secure the use or practice thereof there, proof of
the contrary whereof shall lie on him :
- (2.) That it is made to appear to the Lord Chancellor that, in 10
order to ensure a proper supply to the public of articles
produced under the patent, or proper means for the use of
the invention by the public, licences are necessary, and
the patentee fails to grant licences to proper persons re-
questing the same, on terms which the Lord Chancellor, 15
having regard to all the circumstances of the case, deems
reasonable.

Foreign and Colonial Inventions.

Conditions of
patents for
foreign and
colonial
inventions.
[1852, s. 25.]

23. Where the invention in respect of which an application is
made was not first invented and used in the United Kingdom, 20
or there is a foreign patent for the invention in force at the time of
the application, or the applicant is resident out of the United
Kingdom, or is a subject or citizen of a foreign state, wherever
resident, the following provisions shall have effect :

- (1.) A patent shall not be granted after the cesser of a foreign 25
patent for the invention, and, if so granted, shall be void :
- (2.) If at the time of the application there is a foreign patent
for the invention in force, a patent shall not be granted
unless the foreign patentee (by himself, or by his attorney
or agent), is the applicant, and his application is made 30
within *six months* after the date of the foreign patent,
or of the earliest foreign patent (if there are more than one) :
- (3.) The publication in the United Kingdom of the invention by
the circulation or republication, within that period of *six*
months, of the foreign patent, or of a specification or 35
other document officially connected therewith, shall not
affect the validity of the patent :
- (4.) The patent shall cease on the cesser of the foreign patent
or of such one of the foreign patents (if more than one)
as first ceases : 40
- (5.) If at the time of the application there is not a foreign
patent for the invention in force, a patent shall not be

granted except to the actual inventor (by himself, or by his attorney or agent) : A.D. 1877.

(6.) Save as in this section provided, no patent shall be granted in respect of a communication from a person resident out

5 of the United Kingdom.

For the purposes of this section, any grant of privilege for the monopoly or exclusive use or exercise of an invention in a foreign country shall be deemed a foreign patent.

The provisions of this section relating to a foreign patent shall
10 extend and apply to a colonial patent (that is, a patent granted in any part of Her Majesty's dominions out of the United Kingdom).

Amendment.

24. An applicant or a patentee may, by request filed at the Patent Office, seek leave to amend his specification by way of disclaimer,
15 explanation, supplement, or otherwise, stating his reasons for the same.

Where the request is made pending the application, it shall be proceeded on and dealt with as prescribed.

Where the request is made by a patentee, it shall be proceeded on and dealt with in all respects (as nearly as may be) as an
20 application.

An amendment by way of supplement shall not be allowed unless the applicant or patentee declares himself to be the first and true inventor of the supplementary invention, or declares and shows himself, as prescribed, to have the consent of the true and first
25 inventor thereof to the amendment, nor unless the supplementary invention is such as, if known at the date of the application for the original patent, might have been properly comprised in the specification on that application.

Where leave to amend otherwise than by way of supplement is
30 granted, care shall be taken that any amendment be not allowed if it would make the specification as amended claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before the amendment.

An amendment shall not be admissible in evidence in a proceeding pending at the time of request for leave to amend, except
35 a proceeding for revocation of the patent.

Where an amendment is allowed after the patent is sealed, no proceeding shall be taken in respect of an infringement committed before the amendment, unless leave to take such a proceeding is
40 made part of the leave to amend.

Leave to amend otherwise than by way of supplement, and except in case of fraud, shall be conclusive as to the right of the party to amend.

A.D. 1877.

Revocation.

Petition for
revocation
instead of
scire facias.

25. The proceeding by scire facias to repeal a patent is hereby abolished.

A patent shall be liable to be revoked on petition to the Lord Chancellor on any ground on which a patent might at the 5 commencement of this Act be repealed on a proceeding by scire facias, and on any ground specified in this Act.

Assignments. Licences.

Assignment
for part of
United
Kingdom.
[1852, s. 35.]

26. A patentee may assign his patent for England, or for Scotland, or for Ireland, as effectually as if the patent were 10 originally granted to extend to England, or to Scotland, or to Ireland, only.

Register of
proprietors.
[1852, s. 35.]

27. There shall be kept at the Patent Office a book called The Register of Proprietors.

Until an entry of an assignment of or licence under a patent is 15 made in the register the original patentee shall be deemed to be the sole proprietor of the patent, and not to have granted any licence thereunder.

An entry in the register shall be proof of the assignment or licence or proprietorship, as therein expressed, until the contrary is 20 proved.

The register shall be open to public inspection.

Correction of
register.
[1852, s. 38.]

28. The High Court in England, or a judge thereof, may, at the instance of any person deeming himself aggrieved by any entry 25 made under colour of this Act in the register of proprietors, make such order for expunging or varying that entry, and with respect to the costs of the proceedings, as to the court or judge seems fit.

The entry shall be expunged or varied accordingly.

International, Industrial, and other Exhibitions.

Protection of
inventions at
exhibitions.
[1865, ss. 2,
3.
1870, ss. 2,
4.]

29. Every exhibition of either of the kinds following shall be 30 deemed a protected exhibition:

Any of the international exhibitions of select works of fine and industrial art and scientific inventions held under the direction of Her Majesty's Commissioners for the Exhibition of 1851:

Any international, industrial, or other exhibition which the Board 35 of Trade on the request of any persons desirous of holding it certify as, in the judgment of the Board of Trade, likely to promote British art or industry, and to be beneficial to the mercantile or industrious classes of Her Majesty's subjects.

The exhibition of an invention at a protected exhibition, or the publication during the holding thereof of a description of an invention there exhibited, or the use of an invention for the purposes of the exhibition and within the place where it is held, or the use elsewhere by any person, without the consent of the true and first inventor, of an invention there exhibited, shall not prejudice the right of the exhibitor thereof, being the true and first inventor, to apply within *six months* from the time of the opening of the exhibition for a patent for the invention, or invalidate a patent granted for it on that application.

A.D. 1877.

Foreign Vessels.

30. A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of Her Majesty's courts in the United Kingdom, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for the manufacture of any thing intended to be sold in or exported from the United Kingdom.

Foreign
vessels in
British
waters.
[1852, s.26.]

But this section shall not extend to vessels of any foreign state in whose territories British subjects do not enjoy equal benefits in respect of the subject-matter of this section.

Fraud. Offences.

31. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of that protection.

Patent to
first inventor
not invali-
dated by
application
in fraud
of him.

32. If any person makes or causes to be made a false entry in the register of proprietors, or a writing falsely purporting to be a copy of an entry therein, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

[1852, s. 10.]
Falsification
of entries
in register.
[1852, s. 37.]

33. In each of the following cases—

- (1.) If any person writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks on any thing made, used, or sold by him, in respect whereof he has not a patent, the name, or any imitation of the name, of any other person who has a patent in respect thereof, without the leave in writing of the patentee; or
- (2.) If any person, on any such thing, not having been purchased from the patentee or some person who purchased it from or under the patentee, or not having had the licence or

Penalty for
unautho-
rized use of
name of
patentee,
mark of word
patent, &c.
[1835, s. 7.]

[64.]

B

A.D. 1877.

consent in writing of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks the word Patent, or the words Letters Patent, or any words of the like kind or meaning, with a view of imitating or counterfeiting the stamp mark or other device of the patentee, or in any other manner imitates or counterfeits the stamp mark or other device of the patentee :

Every such person shall for every such offence be liable to a penalty not exceeding *fifty pounds*, to be recovered by action or other proceeding or information in the High Court, one half thereof to be paid to the Treasury, for the use of the public, and the other to the person who sues.

False declaration misdemeanour. [1852, s. 6. and schedule.]

34. If any person wilfully and corruptly files or causes to be filed at the Patent Office any prescribed declaration, knowing it to be untrue in any material particular, he shall be guilty of a misdemeanour.

Procedure.

Nomination of examiner.

35. The examiner to act in each case shall be nominated according to a fixed rotation, which shall not be made public, or in the other mode prescribed (if any).

Power for law officer to administer oaths, &c.

36. The law officer may for purposes of this Act administer and take or cause to be administered and taken oaths and declarations.

If any person, in any testimony on oath or affidavit or declaration given or made under this section, wilfully and corruptly makes a statement false in any material particular, he shall be guilty of perjury.

Costs of opposition. [1852, s. 14.]

37. Where the law officer hears an opponent he may, if he thinks fit, direct by and to whom the costs of the hearing and proceedings connected therewith, or any part thereof, shall be paid, and how and by whom the amount thereof shall be ascertained.

If any costs so directed to be paid are not paid within *four days* after service of notice of the amount thereof so ascertained on the party liable to pay the same, the law officer may make an order under his hand for payment thereof, and his order may be made a rule of the High Court.

Power for Lord Chancellor to extend time in certain cases. [1852, s. 20, 1853, c. 115, s. 6.]

38. Notwithstanding anything in this Act, an applicant may obtain, on petition to the Lord Chancellor, such extension of time as the Lord Chancellor thinks fit, in the cases and to the extent following :

(1.) Extension of the period of provisional protection, so that it be not extended beyond *fifteen months* in the whole from the date of the application :

(2.) Extension of the time within which the request for sealing is to be made : A.D. 1877.

(3.) Extension of the time within which the patent is to be sealed :

5 and in every such case every thing done or happening within the extended time shall be deemed to have been done or to have happened within the time originally allowed by this Act.

39. Every petition to the Lord Chancellor shall be heard by the Lord Chancellor, or by a judge of the High Court designated in that behalf. Hearing of petitions.

The provisions of this Act referring to the Lord Chancellor in relation to a petition shall extend to the judge.

40. Any petition may be dismissed on the ground of the petitioner having no interest or no sufficient interest in the matter. Dismissal of petition for want of interest.

15 41. No appeal shall lie from any determination or order of the Lord Chancellor in respect of or on a petition; but the Lord Chancellor may allow a rehearing of a petition in any case, if he thinks it just and expedient to do so. No appeal on petition.

42. The Lord Chancellor shall have on all petitions full power to award costs to any party as he thinks just. Costs on petition.

43. A petitioner against the sealing of a patent, or for the revocation of a patent, shall deliver with the petition particulars of the objections on which he relies. Particulars on petitions and in actions.

In an action in the High Court for infringement the plaintiff shall deliver with his statement of claim or declaration particulars of the breaches complained of. [1835, s. 5, 1852, s. 41.]

The defendant shall deliver with his statement of defence or pleas particulars of any objections on which he relies in support thereof.

In every case the particulars delivered shall comprise a statement of the places and manner at and in which the petitioner, plaintiff, or defendant (as the case may be) alleges the acts or things on which he founds the objections to have been done or to have happened, or the breaches to have been committed, or the invention to have been, before the date of the patent, used or published.

35 At the hearing or trial no evidence shall be admitted in proof of any objection or alleged infringement of which particulars are not so delivered.

The particulars delivered may be from time to time amended, as prescribed.

40 44. On taxation of costs in an action in the High Court for infringement regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be [64.] Costs in actions for infringement. [1835, ss. 3, 6, 1852, s. 43.]

A.D. 1877. — allowed any costs in respect of any particular delivered by them respectively unless the same is certified by the judge before whom the action is tried to have been proved, or to have been reasonable and proper, without regard to the general costs of the cause.

The judge may certify that the validity of the patent came in question; and in that case, on or in any subsequent petition for revocation or action in the High Court for infringement, the respondent or the plaintiff, on obtaining a final order in his favour or judgment, shall have his full costs, charges, and expenses, as between solicitor and client, unless the judge hearing the petition or trying the action certifies that he ought not to have the same. 5 10

Power of
court in
action for in-
fringement.
[1852, s. 42.]

45. In an action in the High Court for infringement, the Court or a judge thereof, at the instance of the plaintiff or of the defendant, may make such order for an injunction, inspection, or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as to the court or judge seem just and expedient. 15

Attendance
of expert.

46. On a petition the Lord Chancellor, and in an action in the High Court for infringement the judge before whom it is tried, may, if he thinks fit, obtain the attendance and use the assistance of an expert (that is, of a person competent from his knowledge of manufactures, arts, or science, to advise and assist at the hearing or trial). 20

The remuneration of the expert shall be paid in the prescribed manner, and shall as between the parties be part of the costs of the proceedings. 25

Power for
Lord
Chancellor
to make
general
orders.

47. The Lord Chancellor may, from time to time, with the advice and assistance of the Master of the Rolls, make such general orders as he thinks fit for regulating the following matters, or any of them, and all matters connected therewith, under this Act: 30

The form and times and mode of proceeding in respect of cases referred to the law officer, including oppositions:

The mode in which a patent shall be sealed or impressed with a stamp:

The proceedings on an application for correction of the register of proprietors: 35

The form, and contents, and times and mode of presentation and of service, of petitions to the Lord Chancellor, and notices in proceedings thereon, and the periods within which the same must be prosecuted with effect: 40

The nature and amount of the security for costs to be given by petitioners and others on those petitions, by way of deposit or otherwise:

Generally the procedure on those petitions, and in respect of matters brought before the Lord Chancellor, with power to substitute any form of proceeding for a proceeding by petition where directed by this Act. A.D. 1877.

- 5 General orders may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act.

Commissioners. Patent Office.

- 10 **48.** The commissioners shall have a seal; and impressions thereof shall be judicially noticed and admitted in evidence. Seal of commissioners. [1852, s. 2.]

- 49.** Copies or extracts, certified on behalf of and sealed with the seal of the commissioners, of or from records of patents, specifications, amendments, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in Her Majesty's dominions, and in all proceedings, as the originals would be. Sealed copies to be received in evidence. [1853, c. 115, s. 4.]

- 50.** The Treasury shall provide proper buildings for the Patent Office and the purposes of this Act. Offices. [1852, s. 4.]

- 20 **51.** The commissioners may from time to time after the passing of this Act, subject to the approval of the Treasury, appoint so many officers and clerks, with such designations, as the commissioners think fit, and may from time to time remove any of those officers and clerks. Officers and clerks. [1852, ss. 5, 48.]

- 25 *The salaries of those officers and clerks, and of the examiners, shall be appointed by the Lord Chancellor, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.*

- 30 **52.** The examiners and assistant examiners shall perform in the Patent Office such duties in relation to the arranging, indexing, and abridging of specifications, and otherwise, as the commissioners direct. General duties of examiners and assistants.

- 35 **53.** The commissioners may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act and of general orders thereunder, for effecting the following purposes, or any of them, and for regulating all matters connected therewith: Power for commissioners to make general rules regulating details, business of office, &c. [1852, s. 13.]

- 40 For prescribing and regulating the form and contents of applications, specifications, drawings, declarations, notices, advertisements, caveats, objections, certificates, reports, amendments, warrants, patents, duplicates, and other documents and instruments, and of copies and extracts, and the times and mode of the making, filing, depositing, leaving, recording, registering, giving, noting, certifying, issuing, preserving, publishing, and inspecting of, [64.]

A.D. 1877.

and otherwise proceeding on and dealing with, the same or any of them, and the printing, lithographing, or writing of the same, or any of them :

For prescribing and regulating the deposit of drawings and copies thereof, and of copies of specifications, and of models, in such cases as the Commissioners think fit :

For regulating the mode in which an examiner shall be nominated in each case :

For regulating the proceedings by and before the examiners :

For prescribing and regulating the functions and duties of the assistant examiners :

[1852, ss. 29, 30.]

For securing and regulating the opening to public inspection, and the publishing and selling of copies, at such prices and in such manner as the commissioners think fit, of specifications, drawings, amendments, and reports, and for requiring in any case, if the Commissioners think fit, payment of all or part of the expense incurred by them in printing the same to be defrayed by the applicant or patentee :

[1852, s. 30.]

For regulating the presentation of copies of the publications of the Commissioners to public libraries and museums, literary and scientific bodies, and official authorities, in the United Kingdom, the colonies, and foreign countries :

[1852, s. 32.]

For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office :

For, subject to the approval of the Treasury, establishing and opening to public inspection, a museum or collection of models of inventions and other objects relating to patents and to inventions :

[1852, s. 34.]

For keeping and opening to public inspection a record-book of patents, wherein shall be entered notes of all grants of patents, specifications, amendments, revocations, and expirations of patents, with the dates thereof, and other things affecting the validity of patents :

For regulating the entries in the register of proprietors :

For regulating, subject to the approval of the Treasury, the fees of experts :

For, subject to the approval of the Treasury, regulating the use of stamps under this Act, and prescribing in what manner they shall be impressed and affixed, and insuring the proper cancellation of adhesive stamps :

[1852, s. 3.]

Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the commissioners.

General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act. A.D. 1877.

54. The commissioners shall cause a report respecting the execution by or under them of this Act to be laid annually before both Houses of Parliament, and therein shall include for the year to which each report relates all general rules made by them and for the time being in force, and an account of all fees, salaries, allowances, compensations, and other money received and paid under this Act. Annual report of commissioners. [1852, ss. 3, 51.]

55. All powers of the commissioners may be exercised by any three or more of them, save that the Lord Chancellor or the Master of the Rolls shall concur in the appointment or removal of any clerk or officer appointed or removed by the commissioners, and in the making of general rules made by the commissioners, and in the annual report of the commissioners. Quorum of commissioners. [1852, s. 1.]

Any act of the commissioners shall not be invalid by reason only of any vacancy in their body.

Stamps.

56. There shall be paid to and for the use of the Crown, on the several instruments described in the second schedule to this Act, the duties in that schedule mentioned, and no others. Stamp duties in schedule. [1852, c. 5. s. 3.]

Those duties shall be under the management of the Commissioners of Inland Revenue, and shall be deemed stamp duties within The Stamp Duties Management Act, 1870, and other Acts relating to stamp duties.

Any of the stamps may be adhesive, if the Treasury think fit.

Scotland.

57. An order of the law officer for payment of costs may be recorded in the books of Council and Session in Scotland to the effect that execution may pass thereupon in common form. Costs of opposition. [1852, s. 14.]

58. Nothing in this Act shall affect the jurisdiction and forms of process of the courts in Scotland in an action for infringement, or in any action or proceeding respecting a patent hitherto competent to those courts. Saving for courts. [1852, s. 43.]

59. Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of Her Majesty's Advocate, or at the instance of a party having interest with concurrence of Her Majesty's Advocate, which concurrence may be given on just cause shewn only. Proceedings for revocation of patent. [1852, s. 35, 43.]

Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

A.D. 1877.

Recovery of
penalty for
unauthorized
use of name,
&c.

[1835, s. 7.]

Reservation
of remedies.
[1852, s. 29.]

60. Where a person is under this Act liable to a penalty in respect of the unauthorized use of a name, word, stamp, mark, or device, the same may be recovered by action, or other proceeding, or information, in the Court of Session in Scotland.

Ireland.

5

61. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

Transitory Provisions.

Saving for
effect of
repeal and
for rights
accrued, ex-
isting pa-
tents, pend-
ing applica-
tions, &c.

62. The repeal of enactments or any other thing in this Act shall not—

Affect the past operation of any of those enactments, or any letters patent granted, or any appointment made, or compensation granted, or any order or direction made or given, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act:

Interfere with the institution or prosecution of any action, suit, or proceeding, civil or criminal, in respect thereof:

Take away or abridge any protection or benefit in relation thereto.

Those enactments shall, notwithstanding anything in this Act, unless it is in any case otherwise expressed, continue to operate as if this Act had not been passed, with reference to all patents existing at the commencement of this Act, and to all applications for patents made before the commencement of this Act, and to all patents to be granted on those applications.

Nothing in this Act shall, unless it is in any case otherwise expressed, apply to any patent or application with reference to which those enactments so continue to operate.

Commission-
ers under
former Acts
to be deemed
continued,
&c.

63. For the purposes of proceedings taken or continued after the commencement of this Act under any enactments repealed by this Act, the commissioners under this Act shall be deemed to be the same body as the commissioners under any of those enactments.

The registers of proprietors and of patents kept under any of those enactments shall respectively be deemed parts of the same books as the register of proprietors and record-book of patents under this Act.

Extension to
existing
patents of
some of the
provisions
respecting
renewal.

64. The provisions of this Act relating to certificates of renewal at the end of the *third* and the *seventh*, but not of the *twelfth*, complete year of the term for which a patent is granted, and to the enlargement of time for the taking out of those certificates,

shall extend and apply to patents existing at the commencement of this Act, and to patents to be granted on applications made before the commencement of this Act, notwithstanding anything in any such patent, or in this Act, or in any enactment repealed
5 by this Act. A.D. 1877.

65. With respect to the provisions of this Act relating to foreign and colonial inventions, the term of *six months* therein mentioned shall, in case of a foreign or colonial patent granted before the commencement of this Act, be reckoned from the commencement
10 of this Act, and not from the date of the foreign or colonial patent. Provision for foreign and colonial patents taken before commencement of Act.

In any such case the publication in the United Kingdom of the invention by the circulation or republication, before the commencement of this Act, or within the period of *six months* after the commencement of this Act, of the foreign or colonial patent or of
15 a specification or other document officially connected therewith, shall not affect the validity of the patent.

Savings.

66. Notwithstanding anything in this Act, the Lord Chancellor shall have and may exercise such powers, authorities, and discretion in respect of a warrant for the sealing of a patent, and of the
20 patent, as at the commencement of this Act he has and might exercise in respect of a warrant for the issuing under the Great Seal of a patent, and in respect of the issuing of a patent on that warrant. Saving for powers of Lord Chancellor. [1852, s. 15.]

67. It shall be lawful for Her Majesty the Queen, her heirs or successors, by warrant under the Royal Sign Manual— Reservation of powers to Crown. [1852, s. 16.]

To direct any specification to be cancelled before the sealing of the patent, and thereupon the provisional protection shall cease:

30 To direct the commissioners to withhold their warrant for the sealing of a patent:

To direct that a patent for the issuing whereof a warrant has been sealed shall not issue:

35 To direct the insertion in any patent of any restrictions, conditions, or provisoes in addition to or in substitution for any restrictions, conditions, or provisoes that would otherwise be inserted therein.

68. Nothing in this Act shall take away, abridge, or pre-judicially affect the prerogative of the Crown in relation to the granting of any letters patent, or to the withholding of a grant
40 thereof. Saving for prerogative. [1852, s. 16.]

A.D. 1877.

SCHEDULES.

THE FIRST SCHEDULE.

Enactments repealed.

5 & 6 Will. 4. c. 83. - [10 September 1835.]	An Act to amend the Law touching Letters Patent for Inventions.	5
2 & 3 Vict. c. 67. - [24 August 1839.]	An Act to amend an Act of the fifth and sixth years of the reign of King William the Fourth, intituled An Act to amend the Law touching Letters Patent for Inventions.	
7 & 8 Vict. c. 69. - [6 August 1844.] in part.	An Act for amending an Act passed in the fourth year of the reign of His late Majesty, intituled An Act for the better Administration of Justice in His Majesty's Privy Council, and to extend its juris- diction and powers. } in part ; namely,—	10
	Sections two to five, both inclusive.	15
15 & 16 Vict. c. 83. - [1 July 1852.]	The Patent Law Amendment Act, 1852.	
16 & 17 Vict. c. 5. - [21 February 1853.]	An Act to substitute Stamp Duties for fees on passing Letters Patent for Inventions, and to provide for the purchase for the public use of certain Indexes of Specifications.	20
16 & 17 Vict. c. 115. - [20 August 1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of Letters Patent and Specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.	25
22 Vict. c. 13. - [8 April 1859.]	An Act to amend the Law concerning Patents for Inventions with respect to Inventions for Improvements in Instruments and Munitions of War.	
28 & 29 Vict. c. 3. - [27 March 1865.] in part.	The Industrial Exhibitions Act, 1865, in part ; namely,— Section two as far as the same relates to Patents, and section three.	30
33 & 34 Vict. c. 27. - [14 July 1870.] in part.	The Protection of Inventions Act, 1870, in part ; namely,— Section two and section four as far as section four relates to Patents.	35

A.D. 1877.

THE SECOND SCHEDULE.

Stamp Duties.

I.—PAYABLE BY APPLICANT AND PATENTEE.

a. Up to sealing.

				£	s.	d.	£	s.	d.
5	On application	-	-	-	-	2	10	0	
	On patent	-	-	-	-	10	0	0	
									12 10 0

b. Further at end of three years after patent.

10	On certificate of renewal	-	-	-	-	50	0	0	
	On order for enlargement of time for taking certificate of renewal	-	-	-	-	5	0	0	

c. Further at end of seven years after patent.

	On certificate of renewal	-	-	-	-	100	0	0	
15	On order for enlargement of time for taking certificate of renewal	-	-	-	-	10	0	0	

d. Further at end of twelve years after patent.

	On certificate of renewal	-	-	-	-	100	0	0	
20	On order for enlargement of time for taking certificate of renewal	-	-	-	-	10	0	0	

e. Further for amendment.

	On certificate of request for leave to amend :								
	Before patent	-	-	-	-	5	0	0	
	By way of supplement after patent	-	-	-	-	10	0	0	
25	In any other case after patent	-	-	-	-	5	0	0	

II.—PAYABLE BY OPPONENT.

	On certificate of record of notice of opposition	-	-	-	-	2	0	0	
	On caveat against leave to amend	-	-	-	-	2	0	0	

III.—GENERAL.

30	On certificate of entry of assignment or licence	-	-	-	-	0	5	0	
	On certificate of search or inspection	-	-	-	-	0	1	0	
	On office copy of a document, for every seventy-two words	-	-	-	-	0	0	2	

Patents for Inventions.

A

B I L L

For consolidating, with Amendments,
the Acts relating to Letters Patent
for Inventions.

(Prepared and brought in by
Mr. Attorney General, the Lord Advocate, and
Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, to be Printed,
12 February 1877.

[Bill 64.]

Under 3 oz.

A
B I L L

TO

Provide for the more effectual Representation of the Peerage of Ireland in the House of Lords. A.D. 1877.

WHEREAS it is expedient to provide for the more effectual representation of the Peerage of Ireland in the House of Lords :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the passing of this Act the number of Peers of Ireland who shall be elected to sit and vote on the part of Ireland in the House of Lords of the United Kingdom shall be increased from twenty-eight to thirty; but no writ for the election of Peers to make up the number of thirty shall issue until a vacancy shall occur among the existing representative Peers, so that there shall be three vacancies to be filled up. Number of representative Peers to be increased to thirty.
2. No election to fill up a vacancy among the representative Peers of Ireland shall after the passing of this Act be held until there shall be three vacancies to be filled up. In future there shall be no election for a representative Peer except on three vacancies.
3. At every election after the passing of this Act for a Peer to sit and vote on the part of Ireland in the House of Lords of the United Kingdom, every Peer entitled to vote at such election shall be entitled to three votes, and may give all such votes to any one Peer, or may distribute such votes among various Peers, as he may think fit; and the Peers who shall have the highest number of votes at such election shall be the Peers returned to sit and vote on the part of Ireland in the House of Lords of the United Kingdom. At future elections representative Peers to be elected by cumulative voting.
4. At an election for a representative Peer of Ireland after the passing of this Act, it shall not be lawful for any Peer of Ireland who is also a Peer of England, or of Great Britain, or of the United Kingdom, or who shall become a Peer of Great Britain and Ireland, and who as such shall be entitled to an hereditary seat in the House of Lords of the United Kingdom, or for any Peer of Ireland who shall at the time have a seat in the Commons House of Parliament to vote for a representative Peer of Ireland. Certain Irish Peers disqualified from voting at future elections for representative Peers.

[Bill 81.]

A.D. 1877.

A representative Peer of Ireland becoming a Peer of the United Kingdom shall cease to be, and shall not be qualified to be, a representative Peer.

5. Every Peer of Ireland elected either before or after the passing of this Act to sit and vote on the part of Ireland in the House of Lords of the United Kingdom, who shall become either by creation or succession a Peer of the United Kingdom of Great Britain and Ireland, shall thereupon cease and become disqualified to be or to be elected a representative Peer of Ireland; and the Lord High Chancellor or Keeper of the Great Seal of England shall, on the fact of such creation or succession being certified to him, under the hand and seal of two Lords Temporal of Parliament, cause a writ to issue for the election of a representative Peer of Ireland in the place and stead of a Peer who shall be so created, or shall have become by succession a Peer of the United Kingdom, so soon as two other vacancies shall occur among the representative Peers of Ireland, but not before. 5 10

Title of the Act.

6. This Act shall be cited for all purposes as "The Peerage of Ireland Act, 1877." 15

Peerage of Ireland.

A.

B I L L

To provide for the more effectual Representation of the Peerage of Ireland in the House of Lords.

(Prepared and brought in by
Sir Colman O'Loughlin and Lord Francis
Conyngham.)

Ordered, by The House of Commons, to be Printed,
13 February 1877.

[Bill 81.]

Under 1 oz.

Permissive Prohibitory Liquor Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Adoption of this Act. On requisition of ratepayers, notice of time of voting to be given.
2. Qualification of voters.
3. Mode of voting.
4. Collection of votes.
5. Examination of votes, and declaration of result. Two thirds majority required.
6. Penalties for fabricating voting papers.
7. Notice of the adoption of Act, and its immediate operation.
8. After vote against the adoption of the Act, one year to intervene before another vote be taken.
9. Ratepayers to have power to reconsider the adoption of this Act.
10. Prohibition of common sale.
11. Interpretation clause.

SCHEDULE.

A

B I L L

TO

Enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts. A.D. 1877.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented :

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid :

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. At any time from and after the *passing of this Act* it shall be lawful for or more ratepayers residing in any municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough or the overseers of the poor of such parish to take the votes of the ratepayers of such municipal borough or parish respectively as to the propriety of bringing into operation therein the provisions of this Act; and the mayor or overseers as aforesaid, within days of receiving such requisition, shall cause a public notice to be affixed on or near to the town hall of such borough, and on or near to the outer and principal door of every church or chapel within such borough or parish, and shall also cause notice to be inserted in some newspaper published in such borough or parish, or, if there be none so published, in some newspaper published in the county in which such borough or parish is situate, specifying on what day, not earlier than days after the publication

Adoption of this Act.

On requisition of ratepayers, notice of time of voting to be given.

[Bill 42.]

A 2

A.D. 1877. — of the said notices, the ratepayers of such borough or parish are required to signify their votes for or against the adoption of this Act.

Qualifica-
tion of
voters.

2. Every person who is rated to the relief of the poor or entitled to vote in the election of guardians of the poor for the borough or 5 parish in which the votes are to be taken shall be entitled to one vote for or against the adoption of this Act.

Mode of
voting.

3. The mayor of such borough or the overseers of such parish shall cause voting papers, in the form contained in the schedule (A.) to this Act annexed, to be prepared, and shall, *three days* 10 before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall upon the voting paper so delivered signify by writing the word yes or no upon the said paper, and by signing his name thereto, whether he votes for or against 15 the adoption of this Act; provided always, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall fill up the voting paper in the presence of the voter, and shall attest and write the name of the voter upon the same. 20

Collection
of votes.

4. The mayor of such borough or the overseers of such parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the 25 residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose; provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said mayor or overseers, be entitled to receive a 30 voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver 35 the same to the said mayor or overseers before twelve at noon on the day following the day of voting.

Examina-
tion of votes,
and declara-
tion of re-
sult.

5. The mayor of such borough or the overseers of such parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare as here- 40 after mentioned whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or

non-adoption of this Act within such borough or parish shall depend on such majority of votes; provided always, that this Act shall not be adopted within such borough or parish unless at least *two thirds* of the aggregate number of votes so given as aforesaid be in favour thereof.

A.D. 1877.

Two thirds majority required.

6. If any person fabricates, in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote in pursuance of this Act, or falsely assumes to act in the name or on behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under false pretences of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding *three months*, with or without hard labour.

Penalties for fabricating voting papers.

7. The mayor of such borough or the overseers of such parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town hall in such borough, and to the outer and principal doors of every church and chapel in such borough or parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the clerk to the justices acting in and for such borough, or for the district or division in which such borough or parish is situated, a certificate in writing of the adoption of the Act, to be by the said clerk recorded and preserved, which certificate, or a copy thereof, certified by the said clerk of the justices, shall be conclusive evidence in any proceedings under or by virtue of this Act that this Act was duly adopted within the said borough or parish.

Notice of the adoption of Act, and its immediate operation.

8. If the ratepayers of any such borough or parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within *one year* after such determination, again to take the votes of the ratepayers of such borough or parish as to the propriety of bringing into operation therein the provisions of the said Act.

After vote against the adoption of the Act, one year to intervene before another vote be taken.

9. If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of *three years* from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again to take the votes of the ratepayers of the borough or parish, in like manner as herein-before provided for the adoption of this Act, and

Ratepayers to have power to reconsider the adoption of this Act

A.D. 1877. the continuance or otherwise of the operation of this Act within
— such borough or parish shall be determined by a majority of the
votes so given.

Prohibition
of common
sale.

10. From and after the time limited for the commencement of
this Act in any borough or parish, as herein-before provided, no 5
license whatever shall be granted or renewed for the sale of alcoholic
liquor within such borough or parish; and any person selling or
disposing of any alcoholic liquor within such borough or parish
shall be dealt with as selling without license, and shall be subject
to all the penalties provided for such offence under any Act or Acts 10
of Parliament regulating the sale of alcoholic liquors which may be
in force at the time of the adoption of this Act; provided never-
theless, that nothing herein contained shall affect any rights or
privilege conferred or enjoyed by virtue of any license current or
in force at the commencement of this Act during its said currency, 15
and that nothing herein contained shall be held to affect any sales
made under the provisions of any statute permitting the sale of
methylated spirits for use in the arts and manufactures of the
United Kingdom.

Interpreta-
tion clause.

11. In the construction of this Act the following words and 20
expressions shall have the following meanings assigned to them
respectively: "municipal borough" shall mean city, borough,
burgh, or any corporate town; "parish" shall mean any parish,
township, village, tithing, extra-parochial place, or place main-
taining its own poor; "mayor" shall mean also provost, high 25
constable, high bailiff, baron bailie, or other chief officer of any
city or borough; "overseers of the poor" shall mean any persons
authorised and required to make and collect the rates for the relief
of the poor, and acting as overseers of the poor; "alcoholic liquor"
shall include all spirituous liquors, wine, ale, beer, cyder, perry, 30
and every description of intoxicating liquors.

SCHEDULE.

A.D. 1877.

FORM (A.)

Voting Paper.

5 An Act to enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within these Districts.

A requisition signed by _____ ratepayers of this _____
 having been presented to me, requesting me to take the votes of those
 duly qualified according to the terms of the Act, you are hereby required
 to signify your vote for or against the adoption of this Act, thus :—

10	In favour of.	Against.
Do you vote in favour of or against the adoption of this Act in this _____ ?		

John Smith,
of 26, High Street.

15 *N.B.*—The ratepayer will write “yes” or “no” under the heading “in favour” or “against,” according as he votes for or against the adoption of the Act. He is also required to subscribe his name and address at full length. If a voter cannot write, he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials
 20 of the voter against his mark. This paper will be collected on the _____ of _____ between the hours of _____ and _____.

Take notice.—If any person wilfully commits any of the acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins, any voting paper, or personates any person entitled to vote in
 25 pursuance of this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorised so to do, he shall for every such offence be liable, on conviction before two justices, to be imprisoned in the common gaol or house of correction for
 30 any period not exceeding *three months*, with or without hard labour.

(Signed by the mayor or overseer.)

Permissive Prohibitory Liquor.

A

B I L L

To enable Owners and Occupiers of Property in certain Districts to prevent the common Sale of Intoxicating Liquors within such Districts.

(Prepared and brought in by
Sir Wilfrid Lawson, Sir Thomas Bosley,
Mr. Downing, Mr. Richard, Mr. William
Johnston, Mr. Cameron, and Mr. Dalnagay.)

*Ordered, by The House of Commons, to be Printed,
9 February 1877.*

[Bill 42.]

Under 1 oz.

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Barremman (Gareloch), Brixham, Hornsea (North), Hornsea (South), Lynmouth, Rosslare, Ryde, and Towyn.

A.D. 1877.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

24 & 25 Vict.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1877 (No. 1).

Short title.

A.D. 1877.

The SCHEDULE of ORDERS.

1. BARREMMAN (GARELOCH).—Construction of pier.
2. BRIXHAM.—Amendment of former Order.
3. HORNSEA (NORTH).—Construction of pier.
4. HORNSEA (SOUTH).—Construction of pier. 5
5. LYNMOUTH.—Construction of pier.
6. ROSSLARE.—Completion of works authorised by former Order.
7. RYDE.—Amendment of special Acts.
8. TOWYN.—Construction of pier.

*Barremman
(Gareloch).*

BARREMMAN (GARELOCH).

10

*Order for the construction, maintenance, and regulation of a Pier
at Barremman on the Gareloch, in the Parish of Roseneath
and County of Dumbarton.*

- | | |
|---------------------------|---|
| Undertakers. | 1. Robert Thom, Esquire, of Barremman, in the county of Dumbarton, his heirs, assignees, and successors, shall be the undertakers for carrying this Order into execution. 15 |
| Limits of pier. | 2. The limits within which the undertakers shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extends, shall comprise the works by this Order authorised, and the whole lands, accesses, works, and conveniences connected therewith. 20 |
| Power to construct works. | 3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and section deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the undertakers may, in the lines and situation, and according to the levels shown on the deposited plan and section, so far as the same are shown thereon, and within the limits of deviation shown on the plan, make and maintain the pier, accesses, and works authorised by this Order. 25 |
| Description of works. | <p>4. The works authorised by this Order are,—</p> <p>A pier, commencing at a point on the north-east side of the public road leading from Clynder to Garelochhead, 28 yards or thereby north of the junction of the centre line of a road leading past Campbell's Villa with the centre of the aforesaid public road, and extending in a north-easterly direction 30</p> |

into the sea 101 yards or thereabout, and there terminating, together with all necessary works, accesses, and conveniences in connexion with the said pier.

Barremman
(*Gareloch*).

5 5. The undertakers may dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances and channels of the said pier; provided that works authorised by this section below high-water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.

Power to maintain and improve pier.

10 6. Every person who wilfully obstructs any person acting under the authority of the undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

15 7. The undertakers may demand and receive such rates or other consideration as they think reasonable for the use of any warehouses, sheds, buildings, weighing machines, cranes, works, and conveniences belonging to the undertakers, for the use of which rates are not specially fixed in the schedule to this Order.

Rates for warehouses, &c.

20 8. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the undertakers may, subject and according to the provisions of this Order, for the use of the pier and works, demand and receive in respect of vessels, boats, passengers, animals, goods, matters, and things described in the schedule to this Order any sum not exceeding the several rates specified in the same schedule.

Power to take rates according to schedule in Order.

30 9. If at any time, and from time to time, the clear annual income derived from the pier and works and conveniences, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the undertakers in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the pier, and after hearing 35 the undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order.

Board of Trade may reduce rates.

40 10. The undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section 16 of the "General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the undertakers refuse or neglect to comply with this provision they shall for 45 every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

4 *Pier and Harbour Orders Confirmation (No. 1).* [40 VICT.]

A.D. 1877.

*Barrenman
(Gareloch).*

Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

Exemption of
custom House
officers from
rates.

Rates may
be leased.

Power to make
byelaws.

Application of
receipts.

Power to bor-
row money.

11. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier or works, and not breaking bulk while making use thereof, be exempt from rates 5
leviable under this Order.

12. Officers of customs, being in the execution of their duty, shall at all times have free ingress to, and passage and egress on, along, through, and out of the pier and works by land, and with their vessels and otherwise, without payment.

13. The undertakers may from time to time lease the rates authorised by 10
this Order for any period not exceeding ten years, on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and receiving rates and dues as the undertakers have or might exercise under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same 15
provisions as to accounts and otherwise to which the undertakers are made subject by this Order.

14. The undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and others, and goods and traffic on the pier, ap- 20
proaches, and other works authorised by this Order to be constructed, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

15. The rates received under this Order shall be applicable for the purposes 25
and in the order following, and not otherwise:

1. In paying the costs of and in connexion with the preparation and making this Order.
2. In paying the expenses of the maintenance, repair, improvement, manage- 30
ment, and regulation of the pier and works authorised by this Order.
3. The surplus revenue (if any) of the pier and works, after providing for the purposes aforesaid, shall belong to the undertakers for their own use.

16. The undertakers may from time to time borrow and re-borrow at interest such sums as may be required for the purposes of this Order, not exceeding in the whole the sum of two thousand pounds, on security of the rates and works 35
authorised by this Order, or they may accept and take from any bank or banking company credit for any amount not exceeding the said sum of two thousand pounds on a cash account to be opened and kept in the name of the undertakers according to the usage of bankers in Scotland; and the undertakers may grant bonds and assignations of the said rates and works in security of the 40
repayment of the money so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively; and such bonds and assignations, and any transfers thereof, may be in the forms contained in Schedules (B.) and (C.) annexed to The Burgh Harbours (Scotland) Act, 1853, or to the like effect, and shall be recorded in 45

the division of the general register of sasines at Edinburgh applicable to the county of Dumbarton.

17. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order.

A.D. 1877.

Barremman
(Gareloch).

Application of
money bor-
rowed.

Payment of
arrears of
interest and
principal may
be enforced by
appointment
of a judicial
factor.

Appointment
of a judicial
factor.

Amount to
authorise
application for
judicial factor.

Portions of
Harbours
Clauses Act
excepted.

Vessels not to
anchor within
certain limits.

Vessels not to
moor alongside
pier without
consent.

Meters and
weighers.

As to lights
during con-
struction of
works.

5 18. If within two months after the interest of any bond and assignation granted by the undertakers has become due, or after the period prescribed for the payment of the principal sum in any such bond and assignation has expired, such interest or principal, as the case may be, shall not be paid, the holders of such bonds and assignations may, without prejudice to any rights, remedies, or
10 security otherwise competent to or held by them, apply for the appointment of a judicial factor as herein-after provided.

19. Every application for the appointment of a judicial factor under the provisions of this Order shall be made to the sheriff of the county of Dumbarton, and on any such application the said sheriff may, by order in writing, after
15 hearing the parties, appoint some person as judicial factor to receive the whole or a competent part of the rates authorised by this Order, until the arrears of interest or of principal, as the case may be, then due on the outstanding bonds and assignations, with all costs, including the charges of receiving the said rates be fully paid; and upon such appointment being made the rates shall be paid
20 to and received by the judicial factor, and so soon as the full amount of interest or principal in arrear and costs has been so received the power of the judicial factor shall cease; and after payment of said costs the judicial factor shall distribute among all the holders of the said bonds and assignations to whom interest or principal shall be in arrear the rates and other moneys which shall
25 have been received by him, having regard in such distribution to the priorities, if any, of such bonds and assignations.

20. The amount to authorise the application for appointment of a judicial factor shall be three hundred pounds in one or more bonds or assignations.

21. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses
30 Act, 1847," shall not be incorporated with this Order.

22. No vessel or boat shall without the consent of the pier-master anchor within a distance of 50 yards measured in any direction from any part below low-water mark of the works by this Order authorised to be constructed.

23. No vessel or boat except steam boats or pleasure boats embarking or
35 disembarking passengers and their luggage shall be moored alongside the pier without the consent of the undertakers or their pier-master.

24. The undertakers shall have the appointment of meters and weighers within the limits of this Order.

25. Before commencing the works authorised by this Order, the undertakers
40 shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights, by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during

A.D. 1877. the construction of the works. If the undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

—
Barremman
(*Gareloch*).

As to lights
after comple-
tion of works.

26. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the undertakers shall, at the outer extremity of the pier or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those commissioners for directions as to lighting, and the undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. 5 10

Powers to
cease in cer-
tain events.

27. In the following cases (that is to say):

1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade. 15 20

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate. 25

Saving rights
under "Crown
Lands Act,
1866."

28. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained. 30

Costs of Order.

29. All costs, charges, and expenses of and incident to the preparation and obtaining of this Order, or otherwise incurred in reference thereto, shall be paid by the undertakers.

Short title.

30. This Order may be cited as "The Barremman (Gareloch) Pier Order, 1877." 35

A.D. 1877.

Barrenman
(*Gareloch*).

SCHEDULE to which the foregoing Order refers.

TABLE I.—RATES ON VESSELS USING THE PIER FOR SHIPPING, UNSHIPPING, OR TRANSHIPPING GOODS OR PASSENGERS.

			<i>s.</i>	<i>d.</i>
	For each passenger landed or embarked	- - - - -	0	1
5	" " under 14 years of age	- - - - -	0	0½
	For every vessel under fifteen tons register	- per register ton	0	2
	For every vessel of fifteen tons register and upwards	- per register ton	0	4

TABLE II.—RATES ON ANIMALS AND GOODS SHIPPED, UNSHIPPED, OR TRANSHIPPED UPON THE PIER.

10	Ale and beer of all kinds	- - - - -	per 50 gallons	1	0
	Bacon or hams	- - - - -	per cwt.	0	3
	Beef, mutton, or pork	- - - - -	per barrel bulk	0	3
	Bone dust	- - - - -	per ton of 40 bushels	1	0
	Butter	- - - - -	per cwt.	0	3
15	Candles	- - - - -	per cwt.	0	2
	Carriages:				
	Chaises and other four-wheeled vehicles	- - - - -	each	1	0
	Carts, gigs, and other two-wheeled vehicles	- - - - -	each	0	6
	Casks, full or empty	- - - - -	each	0	1
20	Cheese	- - - - -	per cwt.	0	2
	Cattle:				
	Bull, cow, or ox	- - - - -	each	1	0
	Calves	- - - - -	each	0	3
	Horse or mule	- - - - -	each	1	0
25	Lambs	- - - - -	per score	0	6
	Sheep	- - - - -	per score	1	0
	Swine	- - - - -	each	0	1
	Coals and culm	- - - - -	per ton	0	2
	Corn:				
30	Barley, beans, buckwheat, flour, Indian corn, meal, oats, peas, rye, and tares	- - - - -	per boll	0	1
	Malt and wheat	- - - - -	per boll	0	1
	Earthenware	- - - - -	per barrel bulk	0	4
	Fruit of all kinds	- - - - -	per bushel	0	3
35	Glass	- - - - -	per barrel bulk	0	1
	Groceries, viz.:—Coffee, confections, dried fruit, molasses, rice, snuff, soap, spices, sugar, tea, tobacco, &c.	- - - - -	per cwt.	0	4
	Heavy goods not otherwise enumerated	- - - - -	per ton	0	6
	Herrings	- - - - -	per barrel	0	2

A.D. 1877.		Household furniture :		s.	d.
<i>Barremman</i> (<i>Gareloch</i>).	1 cartload	-	-	-	1 0
	1 barrowload	-	-	-	0 6
	New	-	-	-	per barrel bulk 0 1
	Belonging to parties changing their residence only, per 10 barrels				5
				bulk	0 6
	Husbandry utensils	-	-	-	per barrel bulk 0 4
Iron, viz. :					
	Bar, bolt, and rod ; irongrates, stoves, rails, and other ironmongery				
				per cwt.	0 2 10
	Old	-	-	-	per cwt. 0 1
	Old or broken cast iron	-	-	-	per cwt. 0 0½
	Kelp	-	-	-	per cwt. 0 1
	Lead	-	-	-	per cwt. 0 2
	Leather, dressed and tanned	-	-	-	per cwt. 0 6 15
	Light-goods not otherwise enumerated	-	-	-	per barrel bulk 0 1
	Lime	-	-	-	per boll 0 1
Luggage, passengers, not exceeding 28 lbs., free.					
	All above 28 lbs.	-	-	-	per barrel bulk 0 4
	Manures, including guano, &c.	-	-	-	per ton 1 0 20
	Potatoes	-	-	-	per ton 0 6
	Peats	-	-	-	per 500 0 1
	Poultry	-	-	-	each 0 1
	Salt	-	-	-	per ton of 40 bushels 1 0
Seed, viz. :					25
	Canary	-	-	-	per barrel bulk 0 3
	Clover	-	-	-	per bag of 3 cwt. 0 6
	Flax and Rape	-	-	-	per barrel 0 4½
	Do.	-	-	-	per hogshead 0 9
	Garden seeds	-	-	-	per barrel bulk 0 6 30
	Hemp seed	-	-	-	per barrel bulk 0 3
	Rye grass	-	-	-	per quarter 0 3
Slates, viz. :					
	Over size	-	-	-	per 1,000 3 0
	Sizeable	-	-	-	per 1,000 2 0 35
	Undersize	-	-	-	per 1,000 1 0
	Spirits	-	-	-	per 50 gallons 0 9
Stones :					
	Freestone, granite, and pavement	-	-	-	per ton of 16 cubic feet 0 2
	Limestones and other stones	-	-	-	per ton 0 1 40
	Millstones	-	-	-	each 0 4
	Scythe stones	-	-	-	per ton 0 6
	Tar	-	-	-	per barrel 0 2
	Tiles	-	-	-	per 1,000 1 0
	Wood, of all kinds	-	-	-	per 1 <i>l</i> . value 0 6 45
	Wool	-	-	-	per cwt. 0 6

All returned empty boxes, barrels, bags, sacks, and pack sheets are exempted from dues.

All goods not enumerated in the above schedule to be charged in proportion to other goods of similar bulk and value specified in the above schedule. A.D. 1877.

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged. *Barremman (Gareloch).*

Five cubic feet, not exceeding two and a half cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half cwt., then two and a half cwt. to be rated as a barrel bulk.

BRIXHAM.

Brixham.

10 *Order for the Amendment of "The Brixham Harbour Order, 1875."*

1. This Order may be cited as "The Brixham Harbour Order, 1877," and this Order and "The Brixham Harbour Order, 1875," in this Order called the Order of 1875, (except such parts of the Order of 1875 or of the Acts incorporated therewith, or along with which the same is directed to be read, as are cancelled or repealed by this Order,) shall be read and construed together as one Act or Order, and the two Orders may be cited together as "The Brixham Harbour Orders, 1875 and 1877." Short title.

2. Sections 16 to 19 inclusive of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not, from and after the passing of the Act confirming this Order, be incorporated with the Order of 1875, or this Order; and the Commissioners shall be relieved from observing or performing any of the requirements of those sections. Exception of sections 16 to 19 inclusive of Harbours Act, 1847.

3. On and after the 1st day of August 1877, Part I. (Rates on Ships) of the schedule to the Order of 1875 shall be and the same is hereby cancelled and repealed; and Part I. of the schedule to this Order shall, on and after that day, be and the same is hereby substituted in the schedule to the Order of 1875 in place of Part I. of that schedule cancelled by this Order; and the Order of 1875 shall on and after that day be read and have effect as if Part I. of the schedule to this Order had been contained in the Order of 1875 in place of Part I. of the schedule to that Order. Repeal of Part I. of schedule to Order of 1875, and substitution of other rates.

4. On and after the 1st day of August 1877 the Commissioners may, for the use of the harbour and works, and in addition to the several rates specified in the schedule to the said Order of 1875 as hereby amended, demand and take in respect of the goods, wares, and merchandise described in Part II. of the schedule to this Order, any sum not exceeding the rate in the last-mentioned schedule specified, and the Order of 1875 shall on and after that day be read and have effect as if Part II. of the schedule to this Order had been contained in and formed a portion of Part II. of the schedule to the Order of 1875. Power to levy additional rates.

5. All costs, charges, and expenses of or incidental to the preparation and obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners. Costs of Order.

A.D. 1877.

Brixham.

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON SHIPS.

	<i>s.</i>	<i>d.</i>
For the first time any vessel enters the harbour in any twelve months commencing on the first of September, per ton register	0	4 5
Each subsequent time within the twelve months, per ton register	0	2
But no vessel to pay a greater sum during any twelve months than 1 <i>s.</i> per ton register.		
For every vessel laid up unemployed within the harbour for any term exceeding one month, per ton register per month, after the first month, in addition to all other dues payable under this schedule	0	1 10
But no vessel to pay during any twelve months annually more than 10 <i>l.</i> , and any vessel having repairs executed to the amount of 10 <i>l.</i> to be exempt from this toll for three months after entering the harbour.		15
For every yacht, boat, or fishing boat not being a decked yacht, boat, or fishing boat, each time of entering the harbour—		
Five tons burden and upwards	3	4
Under five tons and exceeding two tons	2	0
Two tons burden and under	1	0 20
But not more than three payments to be made in any twelve months.		
For every vessel laid up within the harbour, and employed as a store, per register ton per month, in addition to the yearly payment	0	2
For every vessel putting into the harbour for orders or refuge only, each time per register ton	0	3 25
For every vessel discharging or taking in ballast:—		
For discharging ballast, per ton of ballast discharged	0	4
For taking in ballast, per ton loaded	0	4
But if discharging ballast for the purpose of being overhauled or repaired, provided a notice in writing to that effect be given to the harbour-master before the discharge commences, only to pay on discharging, and not on taking in the same or any less quantity.		30

II.—ADDITIONAL RATE.

For all other goods, wares, and merchandise not in the schedule to the Brixham Harbour Order, 1875, particularly specified, shipped or landed on or within the said pier or harbour, according to the nature of such articles, any sum to be fixed by the Commissioners not exceeding per ton weight or measurement	1	0 40
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HORNSEA (NORTH).

A.D. 1877.

Order for the Construction, Maintenance, and Regulation of a Pier and Works at Hornsea, in the East Riding of the County of York.

*Hornsea
(North).*

- 5 1. The Hornsea Pier Company (Limited), in this Order called "the Company," shall be the undertakers of the works authorised by this Order, and shall have and may exercise the powers, privileges, and authorities conferred by this Order. The Undertakers.
- 10 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," except so much thereof respectively as relate to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order. Incorporation of Lands Clauses Act.
- 15 3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans, as they may think requisite for the purposes of this Order. Power to take specified lands by agreement.
4. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole five acres. Land for extraordinary purposes.
5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works authorised by this Order. Power to make works.
- 20 6. The works authorised by this Order comprise the following :—Description of pier.
A pier, jetty, and landing-place, with all proper works, tramways, approaches, and other conveniences connected therewith, for promenade, and for the embarking and landing of passengers, fish, cattle, goods, and merchandise, and for the safe keeping of boats and other purposes, commencing at or near the north-eastern extremity of an arable field in the township and parish of Hornsea, in the East Riding of the county of York, called Hodgson's Close, the property and in the occupation of Joseph Armytage Wade, Esquire, lying between the terminus of the Hull and Hornsea railway at Hornsea, and the sea in the parish of Hornsea in the East
35 Riding of the county of York, and extending seaward in an easterly direction towards and below low-water mark a distance of 1,200 feet or thereabouts.
7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade, required under this Order or otherwise necessary to the due construction of the works authorised Power to take rates according to Schedule to this Order.

A.D. 1876. by this Order, the Company may, subject and according to the provisions of this Order, for the use of the pier, jetty, and landing-place, and works connected therewith, demand and receive, in respect of the persons, vessels, fish, cattle, goods, and things described in the Schedule to this Order, any sums not exceeding the rates in that Schedule specified. 5

Hornsea
(*North*).

Power to erect
toll-houses,
shops, &c., and
lease same, and
tolls, &c.

8. The Company may erect upon or near to the pier and works or approaches toll-houses, shops, saloons, bazaars, and reading, refreshment, and other rooms, and may lease the same, or any of them, upon such terms and conditions, and for such period, not exceeding three years, to take effect in possession, as the Company think fit; and the Company may also lease the tolls, rates, and dues 10 authorised to be taken by this Order, upon such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease all the same powers of levying and recovering tolls, rates, and dues as the Company may or might exercise under this Order, and shall be subject to the same provisions, as to accounts and otherwise, as the Company are subject 15 to under this Order.

Board of Trade
may reduce
rates.

9. If at any time, and from time to time, the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of 20 ten pounds per cent. per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing works authorised by this Order or otherwise in relation to the undertaking of the Company, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient 25 to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the Schedule to this Order.

Company to
send annual
account to
Board of Trade.

10. The Company, within one month after sending to the clerk of the peace 30 for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section 16 of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to such account. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. 35

Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use 40 thereof, be exempt from rates leviable under this Order.

Company may
contract with
persons for the
use of pier.

12. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the pier and works, on such terms and conditions, and for such a period, not exceeding one year, as may be agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by 45

any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recover-
 5 able and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

A.D. 1876.
 ———
Hornsea
(North).

13. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage and egress to, on, along, and from the pier by land, and with their vessels, and otherwise, without payment.

Custom house
 officers exempt
 from rates.

10 14. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, dredging machines, weighing machines, tackle and other machinery, vessels, apparatus, and conveniences, as they think proper for carrying on the business of the Company, or for any of
 15 the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Steam engines,
 diving bells,
 lighters, &c.

15. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier, jetty, or landing place authorised by this Order, any sheep, cattle, or merchandise, or to ship or unship anything which, in the
 20 judgment of the Company, might in any manner interfere with the use of the pier, jetty, or landing place for recreation, or for the embarking or landing of passengers.

Restrictions
 on use of pier.

16. Before commencing the works authorised by this Order, the Company shall apply to the Board of Trade for directions as to the lights to be exhibited,
 25 and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe
 30 any direction of the Board of Trade as to lights, they shall for each offence be liable to a penalty not exceeding 10*l*.

As to lights
 during con-
 struction of
 the works.

17. After completion or permanent discontinuance of the works authorised by this Order, the Company shall, at the outer extremity of the pier, or the completed portion thereof, exhibit, from sunset to sunrise, such light or lights,
 35 if any, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Company shall be liable to a penalty not exceeding 10*l*. for every calendar month during which they omit so to apply.

As to lights
 after comple-
 tion of works.

18. The Company shall have the appointment of meters and weighers on or
 40 in connection with the pier.

Meters and
 weighers.

19. The following sections of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16 to 19 inclusive, and 21 to 23 inclusive.

Part of Har-
 bours, &c. Act,
 1847, excepted.

Hornsea
(*North*).

Part V. of
24 & 25 Vict.
c. 47. to apply.
Power to make
byelaws.

20. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

21. The Company may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same 5 have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all the purposes.

Vessels not to
anchor within
fifty yards of
pier.

22. No vessel or boat shall, without the consent of the pier-master, anchor within a distance of fifty yards, measured in any direction, from any part below low-water mark of the works by this Order authorised to be constructed. 10

Vessels not to
be moored to
pier.

23. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the pier without the consent of the Company or their pier-master.

Penalty for
obstructing
works.

24. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works by this Order 15 authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works, or any part thereof, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding five pounds.

Powers to vary
exemptions
from rates
and to enter
into composi-
tions, &c.

25. The Company may from time to time confer, vary, or extinguish 20 exemptions from and enter into composition with any person or persons with respect to the payment of tolls, rates, or duties authorised by this Order, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Pier to be
deemed within
the parish of
Hornsea.

26. The pier and works shall, in respect of all matters, crimes, or offences 25 arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace, be deemed and taken to be within or as forming part of the parish of Hornsea, otherwise Hornsea with Burton, and within the jurisdiction of the justices acting within and for that parish.

Powers to
cease in cer-
tain events.

27. In the following cases, that is to say, 30

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually sus- 35

pended for twelve consecutive calendar months,— the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not 40 been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purpose of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights
under Crown
Lands Act,
1866.

28. This Order shall not be taken as a consent to the surrender of any rights, 45 interests, powers, authorities, or privileges transferred to the management of

the Board of Trade by The Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained. A.D. 1877.
Hornsea (North).

- 5 29. From and after the passing of the Act confirming this Order, the Hornsea Pier Order, 1866, confirmed by the Pier and Harbour Orders Confirmation Act, 1866, and the Hornsea Pier Order, 1871, confirmed by the Pier and Harbour Orders Confirmation Act, 1871, shall be and the same Orders are hereby repealed. Repeal of Orders of 1866 and 1871.
- 10 30. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Company. Costs of Order.
31. This Order may be cited as "The Hornsea (North) Pier Order, 1877." Short title.

SCHEDULE to which the foregoing Order refers.

15	I.—RATES ON PASSENGERS AND PROMENADERS.		£	s.	d.
	For every passenger or other person landing on the pier from or embarking from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding	- -	0	0	6
20	For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding	- -	0	0	2
	For every Bath or Sedan chair taken on the pier, for each time any sum not exceeding	- - - -	0	0	6
25	For every perambulator taken on the pier, for each time any sum not exceeding	- - - -	0	0	2
	For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	- - - -	1	0	0
30	II.—RATES ON PASSENGERS LUGGAGE LANDED OR SHIPPED.		s. d.		
	For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs.	- - - -	-	0	2
35	Over 28 lbs. and not exceeding 84 lbs.	- - - -	-	0	4
	„ 84 lbs. „ 112 lbs.	- - - -	-	0	5
	„ 112 lbs. „ 140 lbs.	- - - -	-	0	6
	„ 140 lbs. „ 196 lbs.	- - - -	-	0	7
	„ 196 lbs. „ 2 cwt.	- - - -	-	0	8
	And for every 20 lbs. weight in addition	- - - -	-	0	1
	[125.]	B 4			

A.D.1877.

III.—RATES ON VESSELS USING THE PIER.

		s.	d.	
<i>Hornsea</i> (<i>North</i>).	For every vessel under 15 tons, per ton	-	0	4
	„ „ of 15 tons and under 50 tons, per registered ton	-	0	6
	„ „ 50 tons and under 100 tons, per registered ton	-	0	8
	„ „ 100 tons „ 150 tons, „	-	0	10
	„ „ 150 tons and upwards, per registered ton	-	1	0
	All lighters, for each trip, per ton	-	0	2
	All boats entirely open, landing or taking on board goods, each	-	0	6

IV.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE PIER. 10

	£	s.	d.	
Ale, beer, and porter, per hogshead	-	0	0	6
Ale, bottled, per barrel	-	0	0	4
Ditto per dozen bottles	-	0	0	1
Anchors, per cwt.	-	0	0	9
Anchor stock, per foot run	-	0	0	2
Bark, per ton	-	0	2	0
Bedding, per bundle	-	0	0	3
Beef or pork, per cwt.	-	0	0	3
Beef or pork, per barrel	-	0	0	6
Biscuits or bread, per cwt.	-	0	0	3
Blubber, per ton of 252 gallons	-	0	3	0
Bones and bone dust, per ton	-	0	1	6
Bottles, per gross	-	0	0	9
Bricks, per 1,000	-	0	1	6
Butter and lard, per barrel	-	0	0	6
Ditto per firkin	-	0	0	3
Cables, iron or hempen, per ton	-	0	3	0
Canvas, per bolt	-	0	0	1
Carriages:				30
Chaises and other four-wheeled carriages, each	-	0	7	6
Gigs, carts, and other two-wheeled carriages, each	-	0	5	0
Hand carts and perambulators	-	0	1	0
Casks (empty), not being returned packages, per puncheon	-	0	0	3
Other casks in proportion.				35
Cattle:				
Bulls, cows, and oxen, each	-	0	3	0
Calves, each	-	0	1	0
Horses, each	-	0	4	0
Pigs, each	-	0	0	6
Sheep, each	-	0	0	6
Chalk, per ton	-	0	1	0
Cheese, per cwt.	-	0	0	4
Chimney pots, each	-	0	0	3
Clay, per ton	-	0	1	0
Cloth, haberdashery, &c., per package, not exceeding 1 cwt.	-	0	0	6
Coals, per ton	-	0	1	0

		£	s.	d.	A.D. 1877.
	Copper, per ton	-	0	3	0
	Cordage, per cwt.	-	0	0	3
	Corks, per cwt.	-	0	0	6
5	Crystal, per box or package	-	0	0	6
	Dogs, each	-	0	0	6
	Drugs (in casks, hampers, or boxes), per foot	-	0	0	2
	Earthenware (in crates), per foot	-	0	0	1
	Eggs, per box	-	0	2	0
10	Fish (dried and salted), per cwt.	-	0	0	3
	Ditto (fresh), not enumerated	-	0	0	2
	Flax, per ton	-	0	2	0
	Flour and meal, per sack	-	0	0	4
	Ditto, per barrel	-	0	0	3
15	Furniture (household), per 5 cubic feet	-	0	0	4
	Fruit, per bushel or sieve	-	0	0	4
	Glass, per large crate	-	0	1	6
	Ditto, per small crate or case	-	0	1	0
	Ditto, per box	-	0	0	6
20	Grains and seeds, per quarter	-	0	0	6
	Groceries, not enumerated, per cwt.	-	0	0	6
	Guano, per ton	-	0	1	6
	Gunpowder, per barrel or keg	-	0	0	6
	Hams, bacon, or tongues, per cwt.	-	0	0	4
25	Hardware, per ton	-	0	2	6
	Hares and rabbits, per dozen	-	0	0	4
	Hay, per ton	-	0	1	6
	Ditto, per truss	-	0	0	2
	Hemp, per ton	-	0	2	0
30	Herrings (fresh), per 1,000	-	0	0	3
	Ditto (cured), per barrel	-	0	0	3
	Hides:				
	Ox, cow, or horse, (wet or dry,) each	-	0	0	2
	Iron:				
35	Bar, bolt, rod, and shots, per ton	-	0	1	6
	Pig and old, per ton	-	0	1	0
	Manufactured, per ton	-	0	2	6
	Pots, each	-	0	0	1
	Kelp, per ton	-	0	2	0
40	Lead, per ton	-	0	2	6
	Leather (tanned and dressed), per cwt.	-	0	0	4
	Lime, per 28 bushels	-	0	1	4
	Limestone, per ton	-	0	1	0
	Machinery, per ton	-	0	2	6
45	Manure (not enumerated), per ton	-	0	1	0
	Masts and spars, ten inches in diameter and upwards, each	-	0	4	6
	Ditto, under ten inches, each	-	0	3	0
	Meat (fresh), per cwt.	-	0	0	6

A.D. 1877.

Hornsea
(*North*).

	£	s.	d.	
Milk, per gallon - - - - -	0	0	0½	
Musical instruments, per cubic foot - - - - -	0	0	1	
Nets, per 5 cubic feet - - - - -	0	0	4	
Oakum, per cwt. - - - - -	0	0	2	5
Oils, per tun - - - - -	0	2	0	
Oilcake, per ton - - - - -	0	2	0	
Oranges and lemons, per box - - - - -	0	0	6	
Ores, per ton - - - - -	0	1	0	
Oysters, per bushel - - - - -	0	0	3	10
Paint, per cwt. - - - - -	0	0	4	
Pitch and tar, per barrel - - - - -	0	0	6	
Potatoes, per cwt. - - - - -	0	0	2	
Poultry and game, per dozen - - - - -	0	0	4	
Rags and old rope, per ton - - - - -	0	2	0	15
Sails, per cwt. - - - - -	0	0	6	
Salt, per cwt. - - - - -	0	0	1	
Sand, per ton - - - - -	0	1	0	
Shrimp baskets, each - - - - -	0	0	2	
Skins :				20
Calf, goat, sheep, lamb, or dog, per dozen - - - - -	0	0	6	
Slates, per ton of 24 cubic feet - - - - -	0	2	0	
Spirits, per hogshead - - - - -	0	1	0	
Ditto, per gallon - - - - -	0	0	1	
Stores, per ton of 16 cubic feet - - - - -	0	1	6	25
Steel, per ton - - - - -	0	3	0	
Sugar, per cwt. - - - - -	0	0	3	
Tallow, soap, and candles, per cwt. - - - - -	0	0	3	
Tea, per chest - - - - -	0	1	0	
Tiles, per thousand - - - - -	0	1	6	30
Tin and zinc, per ton - - - - -	0	3	0	
Tobacco, per cwt. - - - - -	0	0	6	
Turbot, per score - - - - -	0	0	3	
Turnips, per ton - - - - -	0	0	6	
Turpentine and varnish, per barrel - - - - -	0	0	6	35
Turtle, each - - - - -	0	2	6	
Vegetables (not enumerated), per cwt. - - - - -	0	0	4	
Vinegar, per hogshead - - - - -	0	0	6	
Vitriol, per carboy - - - - -	0	0	1	
Water, per cask - - - - -	0	0	3	40
Wine, per hogshead - - - - -	0	1	0	
Ditto (bottled), per dozen bottles - - - - -	0	0	2	
Wood :				
Fir, pine, and other descriptions, not enumerated, per load of fifty feet - - - - -	0	1	6	45
Oak or wainscot, per load of fifty feet - - - - -	0	2	0	
Firewood, per 216 cubic feet fathom - - - - -	0	1	6	
Laths and lathwood, per fathom of 216 cubic feet - - - - -	0	2	6	

		£	s.	d.	A.D. 1877.
<i>Wood—continued.</i>					
	Handspikes, per 120	-	0	3	0
	Oars, per 120	-	0	5	0
	Spars, under 22 feet in length, and under 2½ inches in diameter,				
5	per 120	-	0	4	0
	Ditto, 2½ inches and under 4 inches in diameter, per 120	-	0	5	0
	Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	-	0	9	0
	Ditto, above 4 and under 6 inches in diameter, per 120	-	0	14	0
10	Spokes of wheels, not exceeding 2 feet in length, per 120	-	0	2	0
	Ditto, exceeding 2 feet in length, per 120	-	0	3	0
	Ditto, treenails, per 1,000	-	0	2	6
	Ditto, wedges, per 1,000	-	0	2	6
	Pipe staves, and others in proportion, per 120	-	0	2	6
15	Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	0	2	0	
	Wool, per cwt.	-	0	0	4
	Yarn, per cwt.	-	0	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

		s.	d.
20	Light goods, per cubic foot	-	0
	Heavy goods, per ton	-	2

In charging the rates on goods, the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

25 V.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

		<i>1st.—Rates of Craneage.</i>		s.	d.
	All goods or packages, not exceeding 1 ton	-	-	0	4
	Exceeding 1 ton and „ 2 tons	-	-	0	6
	„ 2 tons „ 3 tons	-	-	0	8
30	„ 3 tons „ 4 tons	-	-	0	10
	„ 4 tons „ 5 tons	-	-	1	0
	„ 5 tons „ 6 tons	-	-	1	2
	„ 6 tons „ 7 tons	-	-	1	4
	„ 7 tons „ 8 tons	-	-	1	6
35	„ 8 tons „ 9 tons	-	-	1	10
	„ 9 tons „ 10 tons	-	-	2	4
	„ 10 tons -	-	-	3	6

2nd.—Weighing Machines.

	For goods weighed, for each ton or part of a ton	-	0	2
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40 *3rd.—Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3d.; and the
[125.] C 2

A.D. 1877¹

s. d.

Hornsea
(North)sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

For every portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package - - 0 2 5

VI.—RATES FOR LAYING WATER MAIN ON PIER.

Water, per ton - - - 0 6

VII.—RATES FOR THE USE OF READING ROOM.

For each and every person who shall use the Reading Room, for each and every time any sum not exceeding - - - 0 6 10

HORNSEA (SOUTH).

Hornsea
(South).*Order for the Construction, Maintenance, and Regulation of a Pier at Hornsea, in the East Riding of the County of York.*

Undertakers.

1. The Hornsea Pier Promenade and General Improvement Company, Limited, in this Order called the Company, shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the Undertakers, and may carry this Order in all respects into effect. 15

Lands Clauses
Acts incorpo-
rated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement,) shall be incorporated with this Order. 20

Power to take
lands by agree-
ment.

3. For the purposes of the works authorised by this Order, the Company from time to time may by agreement enter upon, and take, and may use all or any part of the lands shown on the plans deposited for the purpose of this Order. 25

Power to
execute works.

4. Subject to the provisions of this Order, and subject also to such alteration (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may on the lands or foreshore taken by them under this Order, and in the lines and situations and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order. 30

Description of
works autho-
rised.

5. The works authorised by this Order comprise the following:—

(A.) A pier commencing at or near high-water mark of ordinary spring tides at a point about 3 chains south of the eastern end of the road called Mill Lane, which leads from Hornsea Bridge railway station past South 35

Cliff Cottage (in the occupation of Mr. P. H. M. du Gillon) to the seashore, and thence extending seaward in an easterly direction for about 370 yards: A.D. 1877.
Hornsea
(South).

5 (B.) A seawall or embankment commencing at a point about 2 chains southward, and terminating in the south side of Mill Lane aforesaid at a point about $2\frac{1}{2}$ chains northward from the point of commencement as above described of the pier:

10 (C.) The making, providing, and maintaining in connexion with the aforesaid works, or any of them, or any part or parts thereof respectively, of all necessary and convenient shipping and landing places, roads, footpaths, dépôts, warehouses, sheds, toll-houses, toll gates or bars, custom-houses, cranes, hydraulic lifts, buoys, moorings, sewers, drains, and other works and conveniences.

15 6. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works, or any part thereof, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

20 7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works and conveniences 25 connected therewith, and other property of the Company, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the schedule to this Order any sums not exceeding the rates in that schedule mentioned. Power to take rates in schedule.

30 8. The Company may from time to time erect upon or near the pier or the approaches thereto tramways, toll-houses, shops, saloons, bazaars, and reading, waiting, refreshment, and other rooms, and may sell, let, or lease their undertaking, works, and property, or any part or parts thereof, or the tolls, rates, duties, and other charges authorised to be taken by this Order, to such person or persons, company, local authority, commissioners, or corporation, 35 upon such terms (pecuniary or otherwise), and under such restrictions and conditions as they think fit, and a mortgagee in possession, purchaser, or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates, and dues as the Company have or might exercise under this Order, and shall be subject to the same provisions, as to accounts and otherwise, as the 40 Company are subject to under this Order. Further powers as to works and to sell or lease undertaking.

9. If at any time, and from time to time, the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of 45 ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing works Board of Trade may reduce rates.

22 *Pier and Harbour Orders Confirmation (No. 1).* [40 VICT.]

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(*South*).

authorised by this Order and otherwise in relation to the undertaking of the Company, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to sums not exceeding the amounts specified in the schedule to this Order. 5

Annual account
to be sent to
the Board of
Trade.

10. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the 16th section of The General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. 10

Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 15 20

Pass tickets
for use of pier.

12. The Company may grant to passengers, promenaders, and others, pass tickets for the use of the pier and works at such rates, on such terms, and for such periods not exceeding one year as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor used by any person except the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act. 25 30

Powers to vary
exemptions
from rates and
to enter into
compositions,
&c.

13. The Company may from time to time confer, vary, or extinguish exemptions from and enter into composition with any person or persons with respect to the payment of tolls, rates, or duties authorised by this Order, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order. 35

Exemption of
Custom-house
officers from
rates.

14. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress from, to, over, and along the pier and works by land and with their vessels without payment. 40

Land for ex-
traordinary
purposes.

15. The Company shall not purchase for extraordinary purposes within the meaning of The Harbours, Docks, and Piers Clauses Act, 1847, lands exceeding in the whole five acres.

Steam engines,
cranes, moor-
ings, posts, &c.

16. The Company may provide and use such steam engines, piling engines, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and 45

other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

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5 17. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or works of the Company authorised by this Order any sheep, cattle, fish, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any way interfere with the use of the pier for recreation or for embarking or landing of passengers, except
10 at the places provided for the purpose of landing or shipping of sheep, cattle, fish, merchandise, and other like things.

Restriction on
use of pier.

18. The pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace, be deemed and taken to be within or as
15 forming part of the parish of Hornsea, otherwise Hornsea-with-Burton, and within the jurisdiction of the justices acting within and for that parish.

Pier to be
deemed within
the parish of
Hornsea.

19. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon such application or
20 afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the
25 works they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights
during the
construction of
works.

20. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Company shall, at the outer extremity of the pier and works or the completed portions thereof, exhibit from sunset to
30 sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that corporation for directions as to lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

As to lights
after comple-
tion of works.

35 21. Sections 16 to 19 inclusive of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Parts of Har-
bours, &c. Act
excepted.

22. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Meters and
weighers.

23. The Company may make byelaws for the regulation and control of the
40 fishermen and others, and goods and traffic, on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all the purposes.

Power to make
byelaws.

*Hornsea
(South).*

Vessels not to anchor within fifty yards of pier.

Vessels not to be moored to pier.

Powers of Order to cease in certain cases.

24. No vessel or boat shall, without the consent of the pier-master, anchor within a distance of fifty yards measured in any direction from any part below low-water mark of the works by this Order authorised to be constructed.

25. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored 5 alongside the pier without the consent of the Company or their pier-master.

26. In the following cases (that is to say) :—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or

(2.) If such works, after having been commenced, should be virtually sus- 10 pended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion be extended by the special direction of the Board of Trade. 15

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

27. This Order shall not be taken as a consent to the surrender of any 20 rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within the limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. 25

Costs of Order

28. All the costs, charges, and expenses of and incidental to the obtaining of this Order, or otherwise in relation thereto, shall be paid by the Company.

Short title.

29. This Order may be cited as "The Hornsea (South) Pier Order, 1877."

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON PASSENGERS AND PROMENADERS.

	£	s.	d.	30
For every passenger or other person landing on the pier from or embarking from it on board of any ship, vessel, packet, or passage-boat, for each time, any sum not exceeding - - 0 0 6				
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time, any sum not exceeding - - 0 0 2				35
For every Bath or Sedan chair taken on the pier, for each time, any sum not exceeding - - - - - 0 0 6				

	£	s.	d.	A.D. 1877.
For every perambulator taken on the pier, for each time, any sum not exceeding	-	0	0	2
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	-	1	0	0

II.—RATES ON PASSENGERS LUGGAGE LANDED OR SHIPPED.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs.	-	0 2
Over 28 lbs. and not exceeding 84 lbs.	-	0 4
„ 84 lbs. „ 112 lbs.	-	0 5
„ 112 lbs. „ 140 lbs.	-	0 6
15 „ 140 lbs. „ 196 lbs.	-	0 7 ⁴ / ₈
„ 196 lbs. „ 2 cwt.	-	0 8
And for every 20 lbs. weight in addition	-	0 1

III.—RATES ON VESSELS USING THE PIER.

For every vessel under 15 tons, per ton	-	0	4
20 For every vessel of 15 tons and under 50 tons, per ton register	-	0	6
„ 50 tons „ 100 tons, per ton register	-	0	8
„ 100 tons „ 150 tons, per ton register	-	0	10
„ 150 tons and upwards, per ton register	-	1	0
All lighters, for each trip, per ton	-	0	6
25 All boats entirely open, landing or taking on board goods, each	-	0	6

IV.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE PIER.

Ale, beer, and porter, per hogshead	-	0	6
Ale, bottled, per barrel	-	0	4
Ditto, per dozen bottles	-	0	1
30 Anchors, per cwt.	-	0	9
Anchor stock, per foot run	-	0	2
Bark, per ton	-	2	0
Bedding, per bundle	-	0	3
Beef or pork, per cwt.	-	0	3
Beef or pork, per barrel	-	0	6
35 Biscuits or bread, per cwt.	-	0	3
Blubber, per tun of 252 gallons	-	3	0
Bones and bone dust, per ton	-	1	6
Bottles, per gross	-	0	9
Bricks, per 1,000	-	1	6
40 Butter and lard, per barrel	-	0	6
Ditto, per firkin	-	0	3
Cables, iron or hempen, per ton	-	3	0
Canvas, per bolt	-	0	1

26 *Pier and Harbour Orders Confirmation (No. 1).* [40 VICT.]

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s. d.

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Carriages :

Chaises and other four-wheeled carriages, each	-	-	7	6	
Gigs, carts, and other two-wheeled carriages, each	-	-	5	0	
Hand-carts and perambulators, each	-	-	1	0	5
Casks (empty), not being returned packages, per puncheon	-	-	0	3	
Other casks in proportion.					

Cattle :

Bulls, cows, and oxen, each	-	-	-	3	0	
Calves, each	-	-	-	1	0	10
Horses, each	-	-	-	4	0	
Pigs, each	-	-	-	0	6	
Sheep, each	-	-	-	0	6	
Chalk, per ton	-	-	-	1	0	
Cheese, per cwt.	-	-	-	0	4	15
Chimney pots, each	-	-	-	0	3	
Clay, per ton	-	-	-	1	0	
Cloth, haberdashery, &c., per package not exceeding one cwt.	-	-	-	0	6	
Coals, per ton	-	-	-	1	0	
Codfish, per cwt.	-	-	-	0	2½	20
Copper, per ton	-	-	-	3	0	
Cordage, per cwt.	-	-	-	0	3	
Corks, per cwt.	-	-	-	0	6	
Crystal, per box or package	-	-	-	0	6	
Dogs, each	-	-	-	0	6	25
Drugs (in casks, hampers, or boxes), per foot	-	-	-	0	2	
Earthenware (in crates), per foot	-	-	-	0	1	
Eggs, per box	-	-	-	2	0	
Fish (dried and salted), per cwt.	-	-	-	0	3	
Ditto, fresh, not enumerated	-	-	-	0	2	30
Flax, per ton	-	-	-	2	0	
Flour and meal, per sack	-	-	-	0	4	
Ditto, per barrel	-	-	-	0	3	
Furniture (household), per 5 cubic feet	-	-	-	0	4	
Fruit, per bushel or sieve	-	-	-	0	4	35
Glass, per large crate	-	-	-	1	6	
Ditto, per small crate or case	-	-	-	1	0	
Ditto, per box	-	-	-	0	6	
Grains and seeds, per quarter	-	-	-	0	6	
Groceries not enumerated, per cwt.	-	-	-	0	6	40
Guano, per ton	-	-	-	1	6	
Gunpowder, per barrel or keg	-	-	-	0	6	
Hams, bacon, or tongues, per cwt.	-	-	-	0	4	
Hardware, per ton	-	-	-	2	6	
Hares and rabbits, per dozen	-	-	-	0	4	45
Hay, per ton	-	-	-	1	6	
Ditto, per truss	-	-	-	0	2	

								s.	d.	A.D. 1877,
	Hemp, per ton	-	-	-	-	-	-	2	0	<i>Hornsea (South).</i>
	Herrings (fresh), per 1,000	-	-	-	-	-	-	0	3	
	Ditto (cured), per barrel	-	-	-	-	-	-	0	3	
5	Hides :									
	Ox, cow, or horse (wet or dry), each	-	-	-	-	-	-	0	2	
	Ice, per ton	-	-	-	-	-	-	2	6	
	Iron :									
	Bar, bolt, rod, and shots, per ton	-	-	-	-	-	-	1	6	
10	Pig and old, per ton	-	-	-	-	-	-	1	0	
	Manufactured, per ton	-	-	-	-	-	-	2	6	
	Pots, each	-	-	-	-	-	-	0	1	
	Kelp, per ton	-	-	-	-	-	-	2	0	
	Lead, per ton	-	-	-	-	-	-	2	6	
15	Leather, (tanned and dressed) per cwt.	-	-	-	-	-	-	0	4	
	Lime, per 28 bushels	-	-	-	-	-	-	1	4	
	Limestone, per ton	-	-	-	-	-	-	1	0	
	Machinery, per ton	-	-	-	-	-	-	2	6	
	Manure (not enumerated), per ton	-	-	-	-	-	-	1	0	
20	Masts and spars, 10 inches in diameter and upwards, each	-	-	-	-	-	-	4	6	
	Ditto, under 10 inches each	-	-	-	-	-	-	3	0	
	Meat (fresh), per cwt.	-	-	-	-	-	-	0	6	
	Milk, per gallon	-	-	-	-	-	-	0	0 $\frac{1}{2}$	
	Musical instruments, per cubic foot	-	-	-	-	-	-	0	1	
25	Nets, per 5 cubic feet	-	-	-	-	-	-	0	4	
	Oakum, per cwt.	-	-	-	-	-	-	0	2	
	Oils, per tun	-	-	-	-	-	-	2	0	
	Oilcake, per ton	-	-	-	-	-	-	2	0	
	Oranges and lemons, per box	-	-	-	-	-	-	0	6	
30	Ores, per ton	-	-	-	-	-	-	1	0	
	Oysters, per bushel	-	-	-	-	-	-	0	3	
	Paint, per cwt.	-	-	-	-	-	-	0	4	
	Pitch and tar, per barrel	-	-	-	-	-	-	0	6	
	Potatoes, per cwt.	-	-	-	-	-	-	0	2	
35	Poultry and game, per dozen	-	-	-	-	-	-	0	4	
	Rags and old rope, per ton	-	-	-	-	-	-	2	0	
	Sails, per cwt.	-	-	-	-	-	-	0	6	
	Salt, per cwt.	-	-	-	-	-	-	0	1	
	Sand, per ton	-	-	-	-	-	-	1	0	
40	Shrimp baskets, each	-	-	-	-	-	-	0	2	
	Skins: Calf, goat, sheep, lamb, or dog, per dozen	-	-	-	-	-	-	0	6	
	Slates, per ton of 24 cubic feet	-	-	-	-	-	-	2	0	
	Spirits, per hogshead	-	-	-	-	-	-	1	0	
	Ditto, per gallon	-	-	-	-	-	-	0	1	
45	Stones, per ton of 16 cubic feet	-	-	-	-	-	-	1	6	
	Steel, per ton	-	-	-	-	-	-	3	0	
	Sugar, per cwt.	-	-	-	-	-	-	0	3	

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(*South*).

	s.	d.	
Tallow, soap, and candles, per cwt.	0	3	
Tea, per chest	1	0	
Tiles, per 1,000	1	6	
Tin and zinc, per ton	3	0	5
Tobacco, per cwt.	0	6	
Turbot, per score	0	3	
Turnips, per ton	0	6	
Turpentine and varnish, per barrel	0	6	
Turtle, each	2	6	10
Vegetables (not enumerated), per cwt.	0	4	
Vinegar, per hogshead	0	6	
Vitriol, per carboy	0	1	
Water, per cask	0	3	
Wine, per hogshead	1	0	15
Ditto (bottled), per dozen bottles	0	2	
Wood:			
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6	
Oak or wainscot, per load of 50 feet	2	0	20
Firewood, per 216 cubic feet fathom	1	6	
Laths and lathwood, per fathom of 216 cubic feet	2	6	
Handspikes, per 120	3	0	
Oars, per 120	5	0	
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	4	0	25
Ditto 2½ inches in diameter and under, per 120	5	0	
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0	
Ditto above 4 and under 6 inches in diameter, per 120	14	0	30
Spokes of wheels not exceeding 2 feet in length, per 120	2	0	
Ditto exceeding 2 feet in length, per 120	3	0	
Ditto treenails, per 1,000	2	6	
Ditto wedges, per 1,000	2	6	
Pipe staves and others in proportion, per 120	2	6	35
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0	
Wool, per cwt.	0	4	
Yarn, per cwt.	0	2	

All other goods not particularly enumerated above.

Light goods, per cubic foot	0	1	40
Heavy goods, per ton	2	0	

In charging the rates on goods the gross weight or measurement on all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged,

V.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

A.D. 1877.

1st.—*Rates of Craneage.*

					s.	d.
	All goods or packages not exceeding 1 ton	-	-	-	-	0 4
5	Exceeding 1 ton and not exceeding 2 tons	-	-	-	-	0 6
	„ 2 tons	„	3 tons	-	-	0 8
	„ 3 tons	„	4 tons	-	-	0 10
	„ 4 tons	„	5 tons	-	-	1 0
	„ 5 tons	„	6 tons	-	-	1 2
10	„ 6 tons	„	7 tons	-	-	1 4
	„ 7 tons	„	8 tons	-	-	1 6
	„ 8 tons	„	9 tons	-	-	1 10
	„ 9 tons	„	10 tons	-	-	2 4
	„ 10 tons	-	-	-	-	3 6

*Hornsea
(South).*

15 2nd.—*Weighing Machines.*

	For goods weighed, for each ton or part of a ton	-	-	-	0 2
--	--	---	---	---	-----

3rd.—*Shed Dues.*

20 For each ton of goods of 40 cubic feet or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the pier for a longer time than 48 hours the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

For any portmanteau, trunk, parcel, or other article of passenger's luggage for each day or part of a day, per package - - 0 2

25 VI.—RATES FOR SUPPLY OF WATER ON PIER.

	Water, per 1,000 gallons	-	-	-	-	10 0
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VII.—RATES FOR LAYING WATER MAIN ON PIER.

	Water, per ton	-	-	-	-	0 6
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VIII.—RATES FOR THE USE OF READING AND CONCERT ROOMS.

30 For each and every person who shall use any reading or concert or other room, for each and every time, any sum not exceeding - - 0 6

A.D. 1877.

Lynmouth.

LYNMOUTH.

Order for the Construction, Maintenance, and Regulation of the Pier and Harbour of Lynmouth, in the Parish of Lynton, in the County of Devon.

- Undertakers. 1. "The Lynmouth Pier and Harbour Company (Limited)," herein-after 5
called "the Company," shall be the Undertakers of the works authorised by
this Order.
- Incorporation 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except so
of Lands much thereof as relates to the purchase or taking of lands otherwise than by
Clauses Acts. agreement,) shall be incorporated with this Order. 10
- Power to 3. For the purposes of the works authorised by this Order, the Company
take lands by from time to time may appropriate, or may by agreement enter upon and take,
agreement. and may use such of the lands and such parts of the foreshore shown on the
plans deposited for the purpose of this Order as they think expedient.
- Power to 4. Subject to the provisions of this Order, and subject also to such alteration 15
execute works. (if any) in the plans deposited with reference to this Order, and afterwards
amended as the Board of Trade require from time to time before the com-
pletion of the works, in order to prevent injury to navigation, the Company
may, on the lands or foreshore appropriated by them or taken by them under
this Order, in the lines and according to the levels shown on the deposited plans 20
and sections so amended (so far as the same are shown thereon), and within the
limits of deviation shown on those plans, make and maintain the works autho-
rised by this Order.
- Description of 5. The works authorised by this Order comprise the following :
works autho-
rised. (1.) A pier and jetty or landing-place, commencing at or near the landward 25
end of the existing wharf or pier, and westward thereof, and extend-
ing thence seawards in a northerly direction for a distance of two
hundred and fifty yards or thereabouts, and a further distance of two
hundred and fifty yards or thereabouts in a north-easterly direction :
(2.) All necessary works, approaches, buildings, and conveniences in con- 30
nection therewith respectively for the embarking and landing of
passengers, cattle, goods, and merchandise, and for other purposes.
- Works below 6. For the purpose of preventing any injury to navigation, the Company
high-water shall not commence or construct any quay, pier, wharf, or other similar work
mark not to be below the line of high-water mark, without the consent of the Board of Trade 35
commenced without con- having been first obtained in writing under the hand of one of their secretaries,
sent. or assistant secretaries, and shall not construct any such work otherwise than
as may be approved of by the Board of Trade in writing as aforesaid ; and
where any such work shall have been constructed, the Company shall not at
any time alter or extend the same without having first obtained the like consent 40
or approval ; and if any such work shall be commenced, completed, altered, or

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extended without such consent or approval having been first obtained, it shall be lawful for the Board of Trade, at the costs and charges of the Company, to abate and remove the same, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due
5 from the Company to the Crown, and may be recovered accordingly.

7. If any work or portion of a work constructed or to be constructed by the Company in, under, over, through, or across any tidal water or navigable river, and which affects or may affect any such water or river, or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the
10 Board of Trade, at the costs and charges of the Company, to abate and remove the same or any part thereof, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the Company to the Crown, and may be recovered accordingly.

Works affecting tidal waters, &c. abandoned may be removed at expense of Company.

8. It shall be lawful for the Board of Trade at any time or from time to
15 time, as they may deem it expedient, to order a local survey and examination of any works of the Company in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, and the Company shall defray all the costs of every such survey and examination, and the amount of such costs shall constitute a debt due from the Company to the Crown, and may be recovered accordingly.
20

Local survey may be ordered by Board of Trade at expense of Company.

9. The Company may from time to time erect upon the pier or approaches, tramways, toll-houses, waiting, refreshment, and other rooms or houses, and may sell, mortgage, or lease such tramways, houses, and rooms, and may also sell, mortgage, or lease the tolls, rates, and duties authorised to be taken by this
25 Order, upon such terms and conditions and for such period as they may think fit; and the purchasers of the tolls, rates, and duties authorised to be taken by this Order, and any lessee thereof during the continuance of his or their lease, and any mortgagee in possession, shall have and may exercise the same power of levying and recovering the said rates as the Company have or might exercise
30 under The Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all the same provisions as to accounts and otherwise to which the Company are made subject by this Order.

Further powers as to works and lease of tramways, rooms, tolls, &c.

10. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this
35 Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier, harbour, and works, demand and receive in respect of vessels, boats, goods, animals, persons, and things described in the schedule to this Order any sums not exceeding the several
40 rates specified in the same schedule.

Power to take rates according to schedule to this Order.

11. The limits within which the Company shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, and beyond which no rates or tolls shall be taken under this Order, shall comprise the pier and works by this Order authorised, and the rest of the area below
45 high-water mark within the distance of two hundred yards from any part of the pier and works in any direction.

Limits of Order.

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Board of Trade
may reduce
rates.

12. If at any time, and from time to time, the clear annual income derived from the pier, harbour, and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per cent. per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per cent. per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order. 5 10

Annual account
to be sent to
Board of Trade.

13. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. 15 20

Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges, such vessels, when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier, harbour, and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. 25

Company may
contract with
persons for the
use of pier.

15. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act. 30 35

Custom House
officers
exempt from
rates.

16. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage to, and egress to, on, along, and from the pier and works by land, with their vessels and otherwise, without payment. 40

The Company
may provide
and license
steam tugs.

17. The Company may from time to time build, purchase, contract for, or hire, and may maintain, use, and let, steam tugs or other power for the use and accommodation of vessels frequenting the pier, harbour, and works, and within the area herein-before specified, and may also from time to time license such number of steam tugs and other power belonging to any person for such period and on such terms and conditions as they think fit. 45

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Charges for steam tugs.

18. The Company may from time to time fix such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let, or licensed by them; and such rates or charges shall be paid by the owner, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Company, or to their lessee, or to the person with whom they may contract, or to the owner of such steam tug or other power, if licensed by the Company, as the case may be; and such rates and charges shall be due and payable, whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall in consequence of a requisition have been tendered.

19. The Company may from time to time purchase, lease, provide, or hire such dredges, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same.

The Company may provide dredges and engines.

20. The Company may from time to time borrow at interest such money as may be required for the purposes of this Order, on the security of the works authorised by this Order, and of the lands and property connected therewith, and of the tolls, rates, and duties authorised by this Order, or any of those particulars.

Borrowing powers.

21. Every part of the money raised by borrowing under this Order shall be applied only for the purpose authorised by this Order.

Money to be applied to the purposes of Order.

22. The Company shall apply all rates and other annual income received by them under this Order for the purposes and in the order following, and not otherwise:—

Application of rates.

- (1.) In paying the costs of and connected with the preparation and making of this Order:
- (2.) In paying the expense of the maintenance and repair, management and regulation of the pier, harbour, and works connected therewith:
- (3.) Subject to and after answering the purposes aforesaid the surplus income (if any) shall belong to the Company for their own use.

23. The Company shall have the appointment of meters and weighers on and in connection with the pier.

Meters and weighers.

24. The Sections 16 to 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Part of Harbours Act, 1847, excepted.

25. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights by the Board of Trade during the construction of the works; and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Company refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights during construction of works.

Lynmouth.

As to lights after completion of works.

26. After completion or permanent discontinuance of the works authorised by this Order, the Company shall, at the outer extremity of the harbour and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting; and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. 5

Power to cease in certain events.

27. In the following cases, (that is to say,)

(1.) If within two years from the date of the passing of the Act confirming this Order, the works authorised by this Order should not be substantially commenced; or 10

(2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade. 15

Board of Trade certificate to be conclusive evidence.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate. 20

Reservation of jurisdiction of Trinity House.

28. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond.

Saving rights under Crown Lands Act, 1866.

29. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained. 25

Costs of Order.

30. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Company. 30

Repeal of Order of 1872.

31. From and after the passing of the Act confirming this Order "The Lynmouth Pier and Harbour Order, 1872," confirmed by "The Pier and Harbour Orders Confirmation Act (No. 2), 1872," shall be and the same Order is hereby repealed. 35

Short title.

32. This Order may be cited as "The Lynmouth Pier and Harbour Order, 1877."

A.D. 1877.

Lynmouth.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER OR HARBOUR.

		s.	d.
	For every vessel or boat under the burden of 15 tons, per ton -	0	4
5	For every vessel or boat of the burden of 15 tons and under 100 tons, per ton -	0	6
	For every vessel of the burden of 100 tons and upwards, per ton -	0	8
	All lighters, for each trip, per ton -	0	2
	All boats entirely open landing or taking on board goods, each -	0	4

10 II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE
PIER OR HARBOUR.

	Ale, beer or porter, per butt or pipe -	1	0
	Ditto, per hogshead -	0	6
	Ditto, per kilderkin -	0	3
15	Ditto, in bottles, per dozen -	0	1
	Alkali, per ton -	2	0
	Almonds, per cwt. -	0	2
	Alva marina or sea grass, per ton -	1	6
	Ambergris, per cwt. -	1	0
20	Anchors, per cwt. -	0	4
	Anchor stock, per foot run -	0	2
	Anchovies, per cwt. -	0	3
	Angelica, per cwt. -	0	3
	Animals, stuffed, each -	0	6
25	Anvils, per cwt. -	0	2
	Apples or pears, per cwt. -	0	3
	Arrowroot, per ton -	3	0
	Ashes: Barilla, per cwt. -	0	1
	Pearl and pot, per cwt. -	0	2
30	Black, per cwt. -	0	1
	Bleaching, per ton -	2	0
	Common, per cwt. -	0	2
	Soda, per cwt. -	0	2
	Asphaltum, per cwt. -	0	2
35	Bacon or pork, per cwt. -	0	2
	Bags, empty, per score -	0	2
	Bagging, per cwt. -	0	3
	Ballast, per ton -	0	2
	Bark: Tanner's, per ton -	1	0
40	Medicinal, per cwt. -	0	4

[125.]

E 2

								s.	d.	A.D. 1877.
								0	2	<i>Lynmouth.</i>
								0	2	
								1	0	
5	Butter, per cwt.							0	4	
	Ditto, per firkin							0	2	
	Ditto, per pot							0	1	
	Cables, hempen or coil, per ton							3	0	
	Candles, per cwt.							0	3	
10	Ditto, ditto, half chest							0	3	
	Ditto, wax, per 12 lbs.							0	1	
	Canes, per bundle							0	6	
	Canvas, per bolt							0	1	
	Capers, per cwt.							0	6	
15	Carboys, empty, each							0	1	
	Cards, wool, per dozen							0	1	
	Carraway seeds, per cwt.							0	3	
	Chaises or other four-wheel carriages or coaches, each							3	0	
	Gigs, carts, and other two-wheel carriages, each							2	0	
20	Hand carts and perambulators, each							1	0	
	For guns, each							1	6	
	Casks, empty, not being returned packages							0	3	
	Cattle, viz :—									
	Bulls, cows, and oxen, each							1	6	
25	Calves, each							0	6	
	Horses, each							2	0	
	Pigs or sheep, each							0	3	
	Ponies, asses, or mules, each							1	0	
	Cement, per ton							1	6	
30	Chairs : Mahogany, rosewood, &c., per dozen							1	0	
	Cane, garden, or camp stool, per dozen							1	0	
	Chaff cutters, each							0	9	
	Chalk, per ton							1	0	
	Charcoal, per sack							0	1	
35	Cheese, per cwt.							0	2	
	Chesnuts, per bushel							0	1	
	Chicory root, per cwt.							0	3	
	Chimney pots, each							0	1	
	China root, per cwt.							0	4	
40	Ware, per hogshead							1	0	
	Ditto, per tierce							0	6	
	Chocolate, per ton							2	6	
	Cider or perry, per hogshead							0	6	
	Ditto, per gallon							0	1	
45	In bottles, per dozen							0	1	
	Cigars, per cwt.							0	6	
	Cinders, coke, and culm, per ton							0	6	

		s.	d.	
A.D. 1877.	Citron, in salt, per pipe	-	1	0
Lynmouth.	Ditto preserves, per cwt.	-	0	4
	Clay, per ton	-	0	6
	Cloth, haberdashery, &c., per package not exceeding 1 cwt.	-	0	3
	Linen or woollen bale, pack, or truss, per cwt.	-	0	3
	Linen, woollen, or cotton, in boxes, per 40 cubic feet	-	1	0
	Clog soles, per gross	-	0	6
	Clover seed, per cwt.	-	0	2
	Cloves, per cwt.	-	0	6
	Coals, per ton	-	0	9
	Cocoa, per cwt.	-	0	2
	Cocoa nuts, per hundred	-	0	6
	Coccolus indicus, per cwt.	-	0	4
	Coffee, per cwt.	-	0	3
	Coir, rough, press-packed, and yarn, per ton	-	1	6
	Rope, under 6 inches, per cwt.	-	0	1
	Colours, painter's, per cwt.	-	0	2
	Copper, per ton	-	3	0
	Furnaces, per 20 gallons	-	0	4
	Coppers and stills, per ton	-	4	0
	Copperas, per ton	-	2	0
	Coral, per cwt.	-	1	0
	Cordage, per cwt.	-	0	2
	Cordials, per case of 1 dozen	-	0	2
	Ditto, per hogshead	-	1	6
	Corks, per 10 gross	-	0	2
	Cork, per cwt.	-	0	3
	Cotton, raw, per cwt.	-	0	3
	Cradles, each	-	0	2
	Cranberries, per 5 gallons	-	0	2
	Crystal, per box or package	-	0	6
	Culm or coal slack, per ton	-	0	6
	Currants, per ton	-	2	6
	Dates, per cwt.	-	0	2
	Diamonds or other precious stones, per package	-	5	0
	Dogs, each	-	0	4
	Down, eider, per cwt.	-	0	9
	Drugs, not enumerated, per cwt.	-	0	6
	Ditto, per cubic foot, in casks, hampers, or boxes	-	0	2
	Earth: black, brown, red, yellow, and fuller's, per ton	-	0	8
	Earthenware, in casks, hampers, or boxes, per foot	-	0	1
	Ditto, in crates, per foot	-	0	1
	Ditto, per tierce or small crate	-	0	6
	Ditto, per case	-	1	0
	Eau de Cologne, per case	-	0	6
	Eggs, per gross of twelve dozen, or any less quantity	-	0	2

		s.	d.	A.D. 1877.
				<i>Lynnmouth.</i>
	Empty bags and sacks (not returned), per cwt.	-	0 2	
	Essences, per package	-	1 0	
	Extract of oak bark, per cwt.	-	0 2	
5	Feathers, per cwt.	-	0 6	
	Ostrich, per package	-	1 6	
	Felt, per cwt.	-	0 2	
	Figs, per cwt.	-	0 3	
	Fire-arms, per chest or case	-	0 6	
10	Fish, fresh, per cwt.	-	0 2	
	Herrings, fresh, per thousand	-	0 2	
	Herrings, cured, per barrel	-	0 2	
	Other cured fish, per cwt.	-	0 2	
	Flax, rough, per ton	-	1 8	
15	Ditto, per dozen hanks	-	0 1	
	Cordilla or tow, per ton	-	1 6	
	Floorecloth, per cwt.	-	0 3	
	Flour and meal, per sack or bag	-	0 3	
	Ditto, per barrel	-	0 2	
20	Flower roots, plants, or trees, in packages, at per foot	-	0 1	
	Fruit, green or dry, per cwt., not enumerated	-	0 4	
	Furniture, household, at per ton of 40 feet cubic	-	1 8	
	Fuel, patent, per ton	-	0 6	
	Flock, per bag	-	0 2	
25	Gates, iron or wood, each	-	0 2	
	Ginger, per cwt.	-	0 4	
	Glass, per large crate	-	0 9	
	Ditto, per crib, slide, or case	-	0 6	
	Ditto, per box	-	0 3	
30	Glue, per cwt.	-	0 1	
	Grain and seeds, not enumerated, per quarter	-	0 4	
	Grapes, per barrel or jar	-	0 3	
	Ditto, per half barrel or box	-	0 2	
	Grates and stoves, per cwt.	-	0 4	
35	Gravel or sand, per ton	-	0 2	
	Grease or greaves, per ton	-	1 8	
	Grindstones, every 12 inches in diameter	-	0 2	
	Groats, per cwt.	-	0 2	
	Groceries, not enumerated, per ton	-	2 6	
40	Guano, per ton	-	1 0	
	Gums, not enumerated, per cwt.	-	0 4	
	Gunpowder, per cwt.	-	0 3	
	Haberdashery and hosiery, in bales, per cwt.	-	0 2	
	Ditto ditto in boxes, per foot	-	0 1	
45	Hams, per cwt.	-	0 2	
	Hanks for sails, per dozen	-	0 1	
	Hardware, per ton	-	2 0	
	Hares, per dozen	-	0 6	

A.D. 1877.		s.	d.	
<i>Lynmouth.</i>	Harrows, each - - - - -	0	6	
	Hats, per box, per foot - - - - -	0	1	
	Hay or grass, per load or ton - - - - -	0	8	
	Ditto, per truss - - - - -	0	2	5
	Hay rakes, per dozen - - - - -	0	3	
	Hemp, per ton - - - - -	1	6	
	Hides, ox, cow, or horse, dry or salted, per ton - - - - -	3	0	
	Wet, per ton - - - - -	2	0	
	Hide fleshings, per ton - - - - -	1	6	10
	Roundings or glue pieces, per ton - - - - -	1	6	
	Hilts : Pick, per gross - - - - -	1	0	
	Shovel, per dozen - - - - -	0	2	
	Honey, per gallon - - - - -	0	1	
	Ditto, per cwt. - - - - -	0	6	15
	Hoofs, per cwt. - - - - -	0	2	
	Hoops for mast, or white hoops, per dozen - - - - -	0	2	
	Ditto, per bundle - - - - -	0	1	
	Hops, per cwt. - - - - -	0	4	
	Horns, ox and cow, per hundred - - - - -	0	4	20
	Hurdles, per dozen - - - - -	0	2	
	India-rubber, loose, per cwt. - - - - -	0	6	
	Ditto, in packages - - - - -	0	4	
	Indigo, per cwt. - - - - -	1	6	
	Iron, in bars, shot, pigs, packages, or loose, per ton - - - - -	1	0	25
	Ditto, hoops, chains, horseshoes, and ploughshares, per ton - - - - -	1	0	
	Ditto, nails and nail rods, per cwt. - - - - -	0	1	
	Pots, each - - - - -	0	1	
	Manufactures or machinery, in packages of 20 cwt. and not exceed- ing 5 tons each, per ton - - - - -	2	0	30
	Ditto, under 20 cwt. - - - - -	2	0	
	Cables, per ton - - - - -	2	0	
	Stamp heads, per ton - - - - -	1	6	
	Furnaces, at per 20 gallons - - - - -	0	1	
	(Cast) hollow ware, per cwt. - - - - -	0	1	35
	Wire, per cwt. - - - - -	0	1	
	Plates, tinned, per box - - - - -	0	3	
	Irons, baker's, and pudding pans, per cwt. - - - - -	0	1	
	Patten, per gross - - - - -	0	3	
	Ivory, per cwt. - - - - -	1	0	40
	Jack screws, per pair - - - - -	0	6	
	or fishing lines, per dozen - - - - -	0	1	
	Junk or old rope, per ton - - - - -	1	6	
	Jute, pressed packed, per ton - - - - -	2	0	
	Kelp, per ton - - - - -	1	0	45
	Kips, per cwt. - - - - -	0	3	
	Lac dye, stick, seed, and shell, per cwt. - - - - -	0	4	
	Ladles, per gross - - - - -	0	6	

		s.	d.	A.D. 1877.
	Lanterns, horn or glass, per dozen	-	0 2	—
	Lard, per cwt.	-	0 2	Lynmouth.
	Ditto, per firkin	-	0 1	
5	Laths, per 1,000 of 4 feet, and other lengths in proportion	-	0 6	
	Lead: Pigs or sheet, per ton	-	1 0	
	Black or white, per ton	-	1 8	
	Shot, per ton	-	2 6	
	Leather, tanned, per cwt.	-	0 3	
10	Wrought, per cwt.	-	0 4	
	Lime juice, per hogshead	-	1 0	
	Lime, burnt, per ton	-	0 6	
	Limestone, per ton	-	0 3	
	Liquor, in bottles, per case or box	-	0 6	
15	Liquorice or succus liquoritæ, per cwt.	-	0 3	
	Ditto root, in bundles or loose, per cwt.	-	0 3	
	Maccaroni and vermicelli, per cwt.	-	0 3	
	Mace, per cwt.	-	0 6	
	Machinery, wood and iron, mixed, not enumerated, per ton	-	2 6	
20	Mahogany, per ton	-	2 0	
	Malt, per quarter	-	0 6	
	Manure, not enumerated, per ton	-	0 6	
	Marble baths, per ton	-	3 0	
	Mortars, per ton	-	3 0	
25	Slabs, per ton	-	3 0	
	Rough, in packages	-	0 2	
	Block, per ton of 12 cubic feet	-	2 0	
	Masts and spars, 10 inches in diameter and upwards, each	-	4 6	
	Ditto, under 10 inches	-	3 0	
30	Mats, per dozen	-	0 1	
	Maunds or hampers, empty, imported, per dozen	-	0 1	
	Meat, fresh, per cwt.	-	0 3	
	Melting pots, per dozen	-	0 3	
	Millboards, per 120 boards	-	0 4	
35	Milk, per 2 gallons or less	-	0 1	
	Molasses or treacle, per cwt.	-	0 2	
	Ditto, per puncheon	-	0 6	
	Ditto, per half ditto	-	0 4	
	Ditto, per small cask	-	0 2	
40	Mops and brushes, per dozen	-	0 3	
	Musical instruments, per foot	-	0 1	
	Muskets, per dozen	-	0 6	
	Mustard, per firkin of 72 lbs.	-	0 3	
	Ditto, per firkin of 36 lbs., or box	-	0 2	
45	Nankeen, per chest	-	1 0	
	Nests of trunks, per foot	-	0 1	
	Nets, per 5 cubic feet	-	0 3	

A.D. 1877.

							s.	d.	
<i>Lynmouth.</i>	Nutmegs, per cwt.	-	-	-	-	-	0	6	
	Nuts, per cwt.	-	-	-	-	-	0	3	
	Oakum, per cwt.	-	-	-	-	-	0	2	
	Oars, per 120	-	-	-	-	-	5	0	5
	Ochre, per ton	-	-	-	-	-	1	8	
	Oil: Castor and essential, per cwt.	-	-	-	-	-	0	4	
	Fish, olive, seed, palm, and nut, per ton of 20 cwt.	-	-	-	-	-	1	8	
	In flasks, per chest	-	-	-	-	-	0	4	
	Ditto, per half chest	-	-	-	-	-	0	2	10
	Oilcake, per ton	-	-	-	-	-	1	8	
	Olives, per barrel	-	-	-	-	-	0		
	Ditto, per jar	-	-	-	-	-	0	1	
	Onions, per cwt.	-	-	-	-	-	0	1	
	Oranges and lemons, per box	-	-	-	-	-	0	2	15
	Ditto, per chest	-	-	-	-	-	0	3	
	Peel and buds, per cwt.	-	-	-	-	-	0	3	
	Ores, per ton	-	-	-	-	-	0	8	
	Oysters, per bushel	-	-	-	-	-	0	2	
	Paints, per cwt.	-	-	-	-	-	0	2	20
	Paintings, pictures, and pier glasses, per foot	-	-	-	-	-	0	3	
	Pans, warming, per dozen	-	-	-	-	-	0	3	
	Ditto, brass, per cwt.	-	-	-	-	-	0	6	
	Paper, stationers', per cwt.	-	-	-	-	-	0	3	
	Ditto, common, per cwt.	-	-	-	-	-	0	1½	25
	Parcels, 12 inches square, each	-	-	-	-	-	0	1	
	Patterns, wood, per gross	-	-	-	-	-	0	3	
	Peas, per tierce	-	-	-	-	-	0	3	
	Ditto, per barrel	-	-	-	-	-	0	2	
	Pepper, per cwt.	-	-	-	-	-	0	3	30
	Pewter, per cwt.	-	-	-	-	-	0	2	
	Phials, in packages, per foot	-	-	-	-	-	0	1	
	Pianofortes, each	-	-	-	-	-	4	0	
	Pickles, per dozen bottles	-	-	-	-	-	0	1	
	Pins, per cwt.	-	-	-	-	-	0	4	35
	Pipe-clay, per ton	-	-	-	-	-	1	6	
	Pipes for smoking, per hogshead	-	-	-	-	-	1	0	
	Ditto, per box or barrel	-	-	-	-	-	0	6	
	Pitch, tar, or resin, per barrel	-	-	-	-	-	0	3	
	Plaster of Paris, per cwt.	-	-	-	-	-	0	1	40
	Ploughs, each	-	-	-	-	-	1	0	
	Plums, raisins, figs, and prunes, per cwt.	-	-	-	-	-	0	2	
	Potatoes, per ton	-	-	-	-	-	1	0	
	Poultry, fowls, and game, &c., per dozen	-	-	-	-	-	0	4	
	Preserves, succades, and sweetmeats, per ton	-	-	-	-	-	3	0	45
	Quills: Stationer's, per thousand	-	-	-	-	-	0	3	
	Miner's, per cwt.	-	-	-	-	-	0	9	

		s.	d.	A.D. 1877.
	Rabbits, per score	-	0	3
	Rags and old rope, per ton	-	1	6
	Rice, per tierce of 4 cwt.	-	0	4
5	Rosewood, per ton	-	2	0
	Sacks of goods, not enumerated	-	0	2
	Sails, per cwt.	-	0	3
	Salmon, per tierce or chest	-	0	6
	Salt, per ton	-	1	0
10	Sand, per ton	-	0	6
	Scythe stones, per hundred	-	0	3
	Scythes, per dozen	-	0	3
	Scuttles, coal, copper, or tinplate, per dozen	-	0	4
	Scoops : Boat, per dozen	-	0	2
15	Fish, per dozen	-	0	3
	Malt, per dozen	-	0	4
	Seed : Garden, or agricultural grass seeds, per ton	-	1	8
	Shrimp baskets, each	-	0	2
	Sieves, per dozen	-	0	3
20	Silk : Raw, per cwt.	-	1	0
	Thrown, per cwt.	-	2	0
	Waste, per cwt.	-	0	6
	Manufactured, per foot package	-	0	2
	Skins, calf, goat, sheep, lamb, or dog, per dozen	-	0	2
25	Slatestone, per ton of 24 cubic feet	-	1	8
	Slates, writing, per gross	-	0	6
	Rags, per two score	-	0	1
	Scantle, per thousand	-	0	9
	Common helling, per thousand	-	0	9
30	Smalts, per ton	-	2	0
	Snuff, per cwt.	-	0	3
	Soap, per ton	-	1	6
	Soda, sal, per ton	-	1	6
	Soda water, per gross	-	0	9
35	Solder and spelter, per cwt.	-	0	2
	Spades and shovels, per dozen	-	0	6
	Spars. <i>See</i> Timber.			
	Spetches, or tanners' waste, per ton	-	2	0
	Spirits and wine, per pipe or puncheon	-	3	0
40	Ditto, per hogshead	-	1	0
	Ditto, per barrel or quarter cask	-	0	6
	Ditto, per dozen quarts	-	0	2
	Ditto, per gallon	-	0	1
	Sponge, per cwt.	-	1	0
45	Ditto, per package, under quarter of cwt.	-	0	4
	Stamp lifters, per dozen	-	0	6
	Steel, per ton	-	1	8

							s.	d.	A.D. 1877.
	Walnuts, per bushel	-	-	-	-	-	-	0 1	<u> </u>
	Water, per cask	-	-	-	-	-	-	0 1	<i>Lynn</i> mouth.
	Wax, sealing, per cwt.	-	-	-	-	-	-	0 6	
5	Bees', per cwt.	-	-	-	-	-	-	0 3	
	Whale fins, per cwt.	-	-	-	-	-	-	0 4	
	Ditto, per 12 lbs.	-	-	-	-	-	-	0 2	
	Wheelbarrows, each	-	-	-	-	-	-	0 4	
	Wheels, small, per pair	-	-	-	-	-	-	0 4	
10	Wheels, large, per pair	-	-	-	-	-	-	0 8	
	Whip sticks, per bundle	-	-	-	-	-	-	0 1	
	Whiting, per cwt.	-	-	-	-	-	-	0 2	
	Wick yarn, pack, per cwt.	-	-	-	-	-	-	0 3	
	Winnowing machines, each	-	-	-	-	-	-	2 6	
15	Wood of all kinds, per load of 50 cubic feet	-	-	-	-	-	-	1 8	
	Timber and wood lying in the dock beyond fourteen days to be charged 2 <i>d.</i> per load per week after the first week, in addition to the rates before specified.								
	Wool, per cwt.	-	-	-	-	-	-	0 3	
20	Shoddy, pressed packed, per cwt.	-	-	-	-	-	-	0 2	
	Worsted yarn, per ton	-	-	-	-	-	-	2 6	
	Yams, per package	-	-	-	-	-	-	0 6	
	Zaffers, per cwt.	-	-	-	-	-	-	0 4	

All other Goods not particularly enumerated.

25	Light goods, per cubic foot	-	-	-	-	-	-	0 1
	Heavy goods, per ton	-	-	-	-	-	-	2 0

In charging the rates on goods, the gross weight or measurement to be taken, and for any less weight, measures, and quantities than those above specified a portion of the respective rates shall be charged.

30 III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st.—Cranes.

							s.	d.
	All goods or packages not exceeding 1 ton	-	-	-	-	-	-	0 4
	Exceeding 1 ton and not exceeding 2 tons	-	-	-	-	-	-	0 6
35	Exceeding 2 tons and not exceeding 3 tons	-	-	-	-	-	-	0 8
	Exceeding 3 tons and not exceeding 4 tons	-	-	-	-	-	-	0 10
	Exceeding 4 tons and not exceeding 5 tons	-	-	-	-	-	-	1 0
	Exceeding 5 tons and not exceeding 6 tons	-	-	-	-	-	-	1 2
	Exceeding 6 tons and not exceeding 7 tons	-	-	-	-	-	-	1 4
40	Exceeding 7 tons and not exceeding 8 tons	-	-	-	-	-	-	1 6
	Exceeding 8 tons and not exceeding 9 tons	-	-	-	-	-	-	1 10
	Exceeding 9 tons and not exceeding 10 tons	-	-	-	-	-	-	2 4
	Exceeding 10 tons	-	-	-	-	-	-	3 6

2nd.—Weighing Machines.

45	For goods weighed, for each ton or part of a ton	-	-	-	-	-	-	0 2
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A.D. 1877.

3rd.—Sheds.

Lynmouth.

s. d.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwts., which shall remain in the sheds or other works of the pier for a longer time than forty-eight hours, the sum of 3 <i>d.</i> ; and the sum of 1½ <i>d.</i> per ton for each day during which such goods shall remain after the first forty-eight hours.	5
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package	- - 0 2

IV.—RATES FOR LAYING WATER MAINS ON PIER. 10

Water, per ton	- - - - -	0 6
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V.—RATES FOR WATER SUPPLIED ON PIER.

Water, per 1,000 gallons	- - - - -	10 0
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VI.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier or works from any steam or other vessel, packet, passage boat, or other boat, or embark therefrom on board any steam or other vessel, packet, passage boat, or other boat	- - - - -	0 6	15
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding	- 0 2		20
For every Bath or Sedan chair taken on the pier, for each and every time any sum not exceeding	- - - - -	0 6	
For every perambulator	- - - - -	0 4	
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	- - - - -	20 0	25

VII.—RATES ON PASSENGERS LUGGAGE.

For every trunk, portmanteau, box, parcel, or other package whatsoever within the description of luggage, shipped or unshipped at or within the pier or works, not exceeding 28 lbs.	- - - - -	0 2	30
Over 28 lbs. and not exceeding 84 lbs.	- - - - -	0 4	
Over 84 lbs. and not exceeding 112 lbs.	- - - - -	0 5	
Over 112 lbs. and not exceeding 140 lbs.	- - - - -	0 6	
Over 140 lbs. and not exceeding 196 lbs.	- - - - -	0 7	35
Over 196 lbs. and not exceeding 2 cwt.	- - - - -	0 8	
And for every cwt. beyond	- - - - -	0 4	
And for every 20 lbs. weight in addition	- - - - -	0 1	

A.D. 1877.

ROSSLARE.

Rosslare.

Order for the completion of the Pier, Harbour, and Works authorised by the Rosslare Harbour Order, 1869.

1. This Order may be cited as "The Rosslare Harbour Order, 1877;" and
5 this Order and the Rosslare Harbour Order, 1869, in this Order called the Order of 1869, shall be read and construed together as one Order; and the Order of 1869 and this Order may be cited together as "The Rosslare Harbour Orders, 1869 and 1877." Short titles of Orders.
2. The expression "ton" in the schedule to the Order of 1869 shall mean
10 "ton registered." Amendment of Order of 1869.
3. The plans and sections deposited for the purposes of this Order at the office of the clerk of the peace for the county of Wexford and elsewhere are in this Order referred to as "the deposited plans and sections." Deposited plans and sections.
4. Subject to the provisions of this Order, the powers conferred on the
15 Commissioners by the Order of 1869 shall be and the same powers are hereby revived, as from the eleventh day of July one thousand eight hundred and seventy-four. Revival of powers.
5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require or authorise from
20 time to time before the completion of the works, in order to prevent injury to navigation, it shall be lawful for the Commissioners, in the lines and according to the levels shown on the deposited plans and sections, to recommence, and to complete, make, and maintain so much of the works authorised by the Order of 1869 as have not been already completed, together with all quays, jetties,
25 approaches, warehouses, sheds, buildings, railways, tramways, and other conveniences, whether temporary or permanent, requisite for the use of the said works. Power to construct works.
6. In addition to the sum of eighty-five thousand pounds which by the Order of 1869 the Commissioners were empowered to borrow, the Commis-
30 sioners may from time to time borrow on mortgage any further sum or sums of money, not exceeding in the whole fifteen thousand pounds, on the security of the harbour, and of the lands, works, and property connected therewith, and of the rates authorised by the Order of 1869, or of any of those particulars, or of any other property of the Commissioners. Power to borrow additional money.
7. All mortgages granted by the Commissioners under the powers of the Order of 1869, and subsisting at the passing of the Act confirming this Order, shall, during the continuance thereof, have priority over all mortgages granted by virtue of this Order. Priority of existing mortgages.
8. All money borrowed under this Order shall be applied for the purposes
40 and in the order following, and not otherwise; that is to say,
 1. In payment of the costs of and incidental to the preparation and making of this Order:

A.D. 1877.

48 *Pier and Harbour Orders Confirmation (No. 1).* [40 VICT.]

Rosslare.

Parts of
Harbours,
Docks, and
Piers Clauses
Act not incor-
porated.

Repeal of
sect. 33. of
Order of 1869.

As to lights
during con-
struction of
works.

As to lights
after comple-
tion of works.

Powers to
cease in
certain events.

Saving rights
under Crown
Lands Act,
1866.

2. In paying the cost of the works authorised by the Order of 1869 and this Order.

9. Sections 16 to 19 inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

10. On and after the passing of the Act confirming this Order the thirty- 5
third section of the Order of 1869 shall be and the same section is hereby
repealed.

11. Before recommencing or continuing any works authorised by the Order
of 1869, or commencing any works authorised by this Order, the Commissioners
shall apply to the Board of Trade for directions as to the lights to be exhibited, 10
and shall in all respects obey any direction given upon such application, or
afterwards from time to time given as to lights by the Board of Trade during
the construction of the works, and compliance with the directions so given shall
satisfy and be in place of every other statutory requirement as to lights during
the construction of the works. If the Commissioners refuse or neglect to 15
observe any direction of the Board of Trade as to lights during the construction
of the works they shall for each offence be liable to a penalty not exceeding
ten pounds.

12. After completion or permanent discontinuance or abandonment of the
works authorised by the Order of 1869 or this Order, the Commissioners 20
shall, at the outer extremity of the harbour and works or the completed portion
thereof, exhibit from sunset to sunrise such light or lights as shall from time
to time be directed by the Commissioners of Irish Lights, and shall apply to
those Commissioners for directions as to lighting, and the Commissioners shall
be liable to a penalty not exceeding ten pounds for every calendar month 25
during which they omit so to apply.

13. In the following cases (that is to say):

1. If within two years from the date of the passing of the Act confirming
this Order the works authorised by the Order of 1869 or this Order
should not be substantially recommenced or commenced; or 30
2. If such works, after having been recommenced or commenced, should
be virtually suspended for twelve consecutive calendar months,
the powers by the Order of 1869 and this Order given for executing such works,
or otherwise in relation thereto, shall cease to be exercised, except as to so
much of such works as shall then be completed, unless the time for completion 35
shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have
not been substantially recommenced or commenced, or that they have been
virtually suspended for twelve consecutive calendar months, shall, for the
purposes of this Order, be conclusive evidence of the fact stated in such 40
certificate.

14. This Order shall not be taken as a consent to the surrender of any
rights, interests, powers, authorities, or privileges transferred to the manage-
ment of the Board of Trade by the Crown Lands Act, 1866, nor shall any
works under this Order be commenced within limits affected by any such 45

rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained. A.D. 1877.

Rosslare.

15. All costs of and incidental to the preparation and making of this Order shall be paid by the Commissioners. Costs of Order.

5

RYDE.

Ryde.

Order empowering the Ryde Pier Company to raise additional capital.

10 1. This Order shall be construed with the following Acts; that is to say, the Act 52nd George III., chapter 196, intituled "An Act for making a pier
" and landing-place at Ryde, in the Isle of Wight," "The Isle of Wight Ferry
" Act, 1864," "The Ryde Pier and Tramways Act, 1865," "The Ryde Pier
" Railways Act, 1867," and "The Ryde Pier Railway Extension Act, 1870;"
and those Acts and this Order shall be read as one Act or Order. Order to be read with existing pier Acts.

15 2. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say,) Incorporation of Companies Clauses Acts.

The distribution of the capital into shares ;
The transfer or transmission of shares ;
20 The payment of subscriptions, and the means of enforcing the payment of calls ;
The forfeiture of shares for nonpayment of calls ;
The remedies of the creditors of the Company against the shareholders ;
The conversion of borrowed money into capital ;
The consolidation of shares into stock ;
25 The borrowing of money by the Company on mortgage or bond ;
The giving of notices ; and
The provisions for affording access to the Special Act ;
And Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock)
30 of "The Companies Clauses Act, 1863," and "The Companies Clauses
" Act, 1869,"

are incorporated with this Order, and for the purposes of such incorporation the term "Special Act" in the said Act shall be construed to mean this Order.

35 3. The Ryde Pier Company (herein called "the Company") may raise, for the purposes of their undertaking, in addition to the capital already authorised to be raised by them, any further sums, not exceeding in the whole forty thousand pounds, by the creation and issue of new shares or new stock, either ordinary or preference, or partly ordinary and partly preference, at the option of the Company. Power to raise additional capital.

40 4. The proprietors of new shares or stock created by the Company, by virtue of this Order, shall be entitled to the like rights and privileges, and be subject to same incidents as existing capital.
[125.] G

A.D. 1877. subject to the like liabilities as the proprietors of similar shares or stock in the existing capital of the Company.

Ryde.
Calls.

5. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 5

As to votes of proprietors of such shares.

6. The proprietors of any share or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Company; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities as the proprietors of the original shares or stock of the Company. 10

Power to borrow.

7. The Company may, from time to time, borrow on mortgage for the purposes of their undertaking, beyond the sum now authorised to be borrowed by them, any additional sum or sums not exceeding in the whole thirteen thousand three hundred pounds. 15

Arrears may be enforced by appointment of receiver.

8. The mortgagees under this Order may enforce payment of arrears of interest or principal, or principal and interest due on their mortgages, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. 20

Power to issue debenture stock.

9. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but notwithstanding anything therein contained, the interest of all debenture stock, at any time after this Order comes into operation, created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after this Order comes into operation, granted by the Company, and shall have priority over all principal moneys secured by such mortgages. 25 30

Existing mortgages to have priority.

10. All mortgages granted by the company in pursuance of powers vested in them before the time when this Order comes into operation, and subsisting at that time, shall have priority over all mortgages granted by virtue of this Order, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. 35

Application of capital.

11. The monies to be raised by shares or stock, or by mortgage or debenture stock, under the powers conferred by this Order, shall be applied to the general purposes of the Company, and including the payment of the costs and expenses incurred by the Company in the last two sessions of Parliament with respect to their undertaking. 40

Saving of existing contracts.

12. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or any liability incurred before the passing of the Act confirming this Order.

13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Company.

Ryde.

Costs of Order.

14. This Order may be cited as "The Ryde Pier Order, 1877."

Short title.

5

TOWYN.

Towyn.

Order for the construction, maintenance, and regulation of a Pier and other works at Towyn, in the county of Merioneth.

1. The Towyn Pier Company, Limited, in this Order called "the Company," shall be the Undertakers of the works authorised by this Order.

Undertakers.

10 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, shall be incorporated with this Order.

Incorporation of Clauses Acts.

15 3. For the purposes of the works authorised by this Order, the Company may from time to time by agreement enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of this Order.

Power to take lands by agreement.

4. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole five acres.

Lands for extraordinary purposes.

20 5. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

Power to make works.

6. The works authorised by this Order comprise the following :

Description of works authorised

30 A pier at Towyn, in the county of Merioneth, with a landing-place and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point on the sea-shore there, where the High Street terminates, and extending seawards one thousand two hundred feet or thereabouts.

35 7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Company may, subject and according to the provisions of this Order, for the use of the pier and works and conveniences connected therewith, demand and take in respect of the vessels, persons, goods, and things described in the schedule to this Order any sums not exceeding the

Power to take rates in schedule.

40 rates in that schedule mentioned.

A.D. 1877.

Towyn.

Further powers
as to works,
and lease of
tramways,
rooms, tolls,
&c.

8. The Company may from time to time erect upon or near the pier or the approaches thereto tramways, toll-houses, waiting, refreshment, and other rooms, and may lease such tramways, houses, and rooms for any period not exceeding three years, to take effect in possession, and may also lease the tolls, rates, and duties authorised to be taken by this Order for any period not exceeding seven years, to take effect in possession, upon such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease all the same powers of levying and recovering tolls, rates, and dues as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise as the Company are subject to under this Order.

Board of Trade
may lower and
raise rates in
certain con-
tingencies.

9. If at any time and from time to time the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing works authorised by this Order, and otherwise in relation to the undertaking of the Company, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Annual
account to be
sent to the
Board of
Trade.

10. The Company, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the 16th section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain
fishing vessels
under stress
of weather
exempt from
rates.

11. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets
for use of
pier.

12. The Company may grant to passengers, promenaders, and others pass tickets for the use of the pier and works at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor used by any person except the person to or for whom it is granted, nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are re-

coverable and applicable under the Harbours, Docks, and Piers Clauses Act, A.D. 1877.
1847, for all the purposes of which Act this Order shall be deemed the
special Act. *Towyn.*

13. The Company may from time to time confer, vary, or extinguish
5 exemptions from and enter into composition with any person or persons with
respect to the payment of tolls, rates, or duties authorised by this Order, but
so that no preference be in any case given to any person, and that anything
done under this section shall not prejudice the other provisions of this Order. Powers to vary exemp-
tions from rates and to enter into compositions, &c.

14. Officers of customs in the execution of their duty shall at all times have
10 free egress, passage, and ingress from, to, and over the pier and works by land
and with their vessels without payment. Exemption of Custom-house officers from rates.

15. The Company may provide and use such steam engines, steam vessels,
piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats,
cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and
15 other machinery, vessels, apparatus, and conveniences as they think proper
for carrying on the business of the Company, or for any of the purposes of
this Order, and may demand and take such sums for the use thereof as they
think reasonable. Steam engines, diving bells, lighters, &c.

16. Nothing in this Order shall entitle any person with any vessel or boat
20 to ship or unship at the pier authorised by this Order any sheep, cattle, or
merchandise, or to ship or unship there anything which, in the judgment of
the Company, might in any manner interfere with the use of the pier for
recreation, or for the embarking or landing of passengers. Restriction on use of pier.

17. The pier and works shall, in respect of all matters, crimes, or offences
25 arising or committed thereon requiring the cognizance of any justices of the
peace, be deemed and taken to be within the same jurisdiction as that part
of the shore with which it shall immediately communicate. Pier to be deemed within the contiguous jurisdiction.

18. Before commencing the works authorised by this Order the Company
shall apply to the Board of Trade for directions as to the lights to be
30 exhibited, and shall in all respects obey any direction given upon such appli-
cation, or afterwards from time to time given as to lights by the Board of Trade
during the construction of the works, and compliance with directions so given
shall satisfy and be in place of every other statutory requirement as to lights
during the construction of the works. If the Company refuse or neglect to
35 observe any direction of the Board of Trade as to lights during the construction
of the works they shall for each offence be liable to a penalty not exceeding
ten pounds. As to lights during the construction of works.

19. After completion or permanent discontinuance or abandonment of
the works authorised by this Order, the Company shall at the outer
40 extremity of the pier and works, or the completed portions thereof, exhibit
from sunset to sunrise such light or lights as shall from time to time be
directed by the Corporation of Trinity House, Deptford Strond, and shall
apply to that corporation for directions as to lighting, and the Company shall
be liable to a penalty not exceeding ten pounds for every calendar month
45 during which they omit so to apply. As to lights after completion of works.

Towyn.
Parts of
Harbours,
&c. Act
excepted.
Meters and
weighers.

20. Sections 16 to 19, inclusive, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

21. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Power to
make byelaws.

22. The Company may make byelaws for the regulation and control of the fishermen and others, and goods and traffic, on the pier and works authorised by this Order, but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all the purposes.

Vessels not to
anchor within
fifty yards of
pier.

23. No vessel or boat shall, without the consent of the pier-master, anchor within a distance of fifty yards, measured in any direction from any part below low-water mark of the works by this Order authorised to be constructed. 10

Vessels not to
be moored to
pier.

24. No vessel or boat, except steamboats and pleasure boats embarking or disembarking passengers and their luggage, shall be allowed to be moored alongside the pier without the consent of the Company or their pier-master. 15

Powers to
cease in cer-
tain events.

25. In the following cases (that is to say):

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade. 25

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights
under Crown
Lands Act,
1866.

26. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. 30 35

Costs of Order.

27. All the costs, charges, and expenses of and incident to the obtaining of this Order, and otherwise in relation thereto, shall be paid by the Company.

Short title.

28. This Order may be cited as "The Towyn Pier Order, 1877."

A.D. 1877.

Towyn.

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

		s.	d.
	For every vessel under the burden of 15 tons, per ton - - -	0	4
5	For every vessel of the burden of 15 tons and under 50 tons, per ton register - - - - -	0	6
	For every vessel of the burden of 50 tons and under 100 tons, per ton register - - - - -	0	8
10	For every vessel of the burden of 100 tons and under 150 tons, per ton register - - - - -	0	10
	For every vessel of the burden of 150 tons and upwards, per ton register - - - - -	1	0
	All lighters, for each trip, per ton - - - - -	0	6
	All boats, entirely open, landing or taking on board goods, each - - -	0	6

15 II.—RATES FOR GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	Light goods, per cube foot - - - - -	0	1
	Heavy goods, per ton - - - - -	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those
20 above specified a portion of the respective rates shall be charged.

III.—RATES FOR USE OF WEIGHING MACHINES. s. d.

	For goods weighed, for each ton or part of a ton - - -	0	2
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IV.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

25	For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each time, any sum not exceeding - - -	0	6
	For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time, any sum not exceeding - - -	0	2
30	For every Bath or Sedan chair taken on the pier, for each time, any sum not exceeding - - - - -	0	6
	For every perambulator taken on the pier, for each time, any sum not exceeding - - - - -	0	2
35	For every master of any vessel, boat, or wherry, using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - - -	20	0

[125.]

A.D. 1877.

V.—RATES ON PASSENGERS LUGGAGE.

Towyn.

						s.	d.
For every trunk, portmanteau, box, parcel, or other package within							
the description of luggage, not exceeding 28 lbs.	-	-	-	-	-	0	2
Over 28 lbs. and not exceeding 84 lbs.	-	-	-	-	-	0	4 5
Over 84 lbs. and not exceeding 112 lbs.	-	-	-	-	-	0	5
Over 112 lbs. and not exceeding 140 lbs.	-	-	-	-	-	0	6
Over 140 lbs. and not exceeding 196 lbs.	-	-	-	-	-	0	7
Over 196 lbs. and not exceeding 2 cwt.	-	-	-	-	-	0	8
And for every cwt. beyond -	-	-	-	-	-	0	4 10
And for every 20 lbs. weight in addition	-	-	-	-	-	0	1

VI.—RATES FOR USE OF TRAMWAY.

For every passenger using the tramway, for each time, any sum not exceeding	-	-	-	-	-	-	0 3
Light goods, per cubic foot	-	-	-	-	-	-	0 1 15
Heavy goods, per ton, not exceeding	-	-	-	-	-	-	2 0
For passengers luggage, rates not exceeding rates on same for use of pier.							

VII.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	-	-	-	-	-	-	10 0 20
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Pier and Harbour Order Confirmation (No. 1).

A

B I L L

To confirm certain Provisional Orders
by the Board of Trade under The Ge
Pier and Harbour Act, 1861, relat
Barremman (Gareloch), Brixham, Ho
(North), Hornsea (South), Lynm
Rosslare, Ryde, and Towyn.

*(Prepared and brought in by
Mr. Edward Stanhope and Sir Charles Adderley)*

*Ordered, by The House of Commons, to be Printed
9 April 1877.*

[Bill 125.]

Under 8 oz.

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries.

A.D. 1877.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

24 & 25 Vict.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1877 (No. 2).

Short title.

A.D. 1877.

The SCHEDULE of Orders.

1. ABERBROTHWICK.—Amendment of special Acts.
2. SKERRIES.—Transfer, maintenance, and regulation of pier and harbour.

*Aberbroth-
wick.*

ABERBROTHWICK.

*Order for conferring further powers on the Trustees of the harbour 5
of Aberbrothwick, and for amending the Acts relating to that
harbour.*

Order to be
read with
Harbour Acts.

1. This Order may be cited as “The Aberbrothwick Harbour Order, 1877,” and shall be construed with an Act of the second year of Her present Majesty, chapter 16, intituled “An Act for extending, improving, regulating, and 10
“managing the harbour of the royal burgh of Aberbrothwick, in the county of
“Forfar,” and with the Aberbrothwick Harbour Act, 1864, in this Order
called “the Act of 1864,” which Acts are in this Order called “The Harbour
Acts,” and the Harbour Acts, as amended by this Order, and this Order shall
be read as one Act or Order. 15

Undertakers.

2. The Trustees for the time being acting in execution of the Harbour Acts shall be the Undertakers for carrying this Order into execution.

Additional
rates to be
levied.

3. On and after the first day of July 1877, the Trustees may, for the use of the harbour and works, demand and receive in respect of the vessels, boats, goods, matters, and things specified in the schedule to this Order, any sums 20
not exceeding the several rates specified in the same schedule, in addition to the rates and duties authorised to be levied by the Harbour Acts.

Power to levy
increased rates
to meet defi-
ciency in
revenue.

4. In the event of the revenue received by the Trustees for the year ending on the fifteenth day of October in any year proving insufficient to meet the annual expenditure of that year under the Harbour Acts and this Order, or in 25
the event of it appearing to the Trustees, on consideration of the estimated revenue and expenditure for any year commencing on the fifteenth day of October immediately preceding such consideration, that the revenue for that year will prove insufficient for the annual expenditure of that year, they may at their annual general meeting on the second Tuesday of December then next 30
ensuing, or at any adjournment of such meeting, fix and resolve that over and above the rates and duties specified in the schedules to the Act of 1864, and also over and above the one fourth part more of the said rates and duties

authorised to be levied under the 14th section of that Act, there shall be levied such increased rates and duties from and after the first day of January following as may be necessary to meet such actual or such expected deficiency of revenue; provided always, that any resolution to levy such increased rates and
5 duties shall, unless renewed, continue in force for the period of one year and no longer, and that such increased rates and duties shall not exceed a further fourth part of the rates and duties specified in the schedules to the Act of 1864; and provided further, that it shall not be in the power of the Trustees to levy such increased rates and duties unless in the event of or for the purpose of
10 providing for a deficiency of revenue to meet annual expenditure.

A.D. 1877.

Aberbroth-
wick.

5. The Trustees at any meeting called and held in conformity with the provisions of the eighth section of the Act of 1864 may, when and so often and for such periods of time as it shall appear to them to be for the interest and advantage of the harbour, reduce or omit levying, and again advance or revive
15 and levy, all or any of the rates and duties leviable by them under the provisions of the Harbour Acts and this Order, or any parts of such rates and duties, provided that the notice of such meeting shall specify the purposes for which such meeting is called, and provided also that the advanced or revived rates and duties shall not exceed the rates and duties which the
20 Trustees are authorised to levy under the provisions of the Harbour Acts and this Order, and that in levying rates and duties no preference shall be given to any person.

Power to vary rates.

6. The Trustees may, when and so often and for such periods of time as it shall appear to them to be for the interest and advantage of the harbour, agree
25 with the owners or masters of vessels engaged as regular packets or traders, or with any other persons using the harbour, for the payment of rates and duties less than the rates and duties which the Trustees are authorised to levy under the Harbour Acts and this Order, as a composition by the year or other shorter period for such rates and duties: Provided always, that if the Trustees
30 at any time make any such agreement by way of composition as aforesaid, all other persons using or frequenting the harbour under the same or similar circumstances may compound for any rates and duties leviable from them under the Harbour Acts and this Order upon the like terms as shall be contained in such agreement, so that no preference shall be given to any person.

Power to compound for rates.

35 7. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under
40 the Harbour Acts and this Order.

Certain fishing vessels under stress of weather exempt from rates.

8. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, through, and along the harbour and works by land, and with their vessels and otherwise, without payment.

Exemption of customs officers.

9. The Trustees shall have the sole right of supplying ballast to and the
45 immediate superintendence, direction, and management of the ballasting of all vessels within the harbour; but in case the Trustees cannot supply any demand

Supply of ballast for vessels.

A.D. 1877.

*Aberbroth-
wick.*

for ballast in sufficient time for the accommodation of any vessel requiring the same, they shall permit the master or owner of such vessel to lift and put on board such vessel ballast from some proper place appointed by the ballast master of the Trustees. The master of any vessel using the harbour who shall allow to be put on board his vessel any ballast not supplied by the Trustees, or not lifted and put on board with the permission of the ballast master, shall for every such offence be liable to a penalty not exceeding five pounds. If the Trustees shall omit within a reasonable time after notice to the ballast master to supply ballast to any vessel requiring the same, or shall omit to give through the ballast master the necessary direction or permission enabling the master or owner of such vessel to lift and put on board the ballast required by him, such master or owner may recover from the Trustees any damage sustained by him in consequence of their omission.

Power to
erect ware-
houses, &c.,
and to acquire
lands.

10. The Trustees may erect, construct, or adapt warehouses, sheds, and buildings adjoining the harbour for the warehousing and storage of goods and merchandise, and may for these purposes and from time to time by agreement purchase or acquire or take on lease any lands or buildings adjoining or adjacent to the harbour, and may demand and receive such rates or other consideration as they think reasonable for the use of any such warehouses, sheds, or buildings erected or provided by them.

Power to
provide and
license
steam tugs.

11. The Trustees may from time to time build, purchase, contract for or hire, and may maintain, use and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such steam tugs or other power belonging to any person for such periods and on such terms and conditions as they think fit.

Charges for
steam tugs.

12. The Trustees may from time to time fix and make such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Trustees, or to their lessee, or to the person with whom they may contract, or to the owner of such steam tug or other power if licensed by the Trustees, as the case may be; and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall, in consequence of a requisition, have been tendered by the master or other person having the command of such steam tug or other power.

Extra pilotage.

13. The Trustees may award to pilots who have rendered extraordinary assistance to any vessel bound for or departing from the harbour such allowance or compensation as may appear to them to be just; and such allowance or compensation shall be paid by the owner, master, consignee, or agent having charge of the vessel to which such extraordinary assistance shall have been rendered, and shall be held to be pilotage dues, and may be recovered in the same manner as pilotage dues may be recovered.

Recovery of
rates.

14. The rates which the Trustees are by this Order authorised to levy for ballasting and pilotage and for steam tugs, warehouses, sheds and buildings,

and the other rates and duties which they are by this Order authorised to levy, may be recovered in the same manner as the rates and duties leviable by them under the Harbour Acts are recoverable.

A.D. 1877.

Aberbroth-
wick.

15. The Trustees may from time to time borrow, and, if paid off otherwise than by means of a sinking fund, again borrow, in addition to the sum of seventy thousand pounds already authorised to be borrowed by the Harbour Acts, any further moneys not exceeding in the whole the sum of twenty thousand pounds on the security of the rates and duties payable to them in virtue of the Harbour Acts and this Order, and the other revenue and property of the harbour; and the provisions contained in the Harbour Acts with respect to borrowing and to the moneys borrowed under those Acts, the form, nature, and extent of the securities to be granted therefor, the freedom of the Trustees from personal liability for the repayment of moneys borrowed, the mode of transferring and registering assignments and transfers, and the establishment of a sinking fund shall, except in so far as inconsistent with this Order, be held to apply to borrowing and to the moneys borrowed under the powers of this Order as fully and effectually as if the same were repeated and embodied herein: Provided always, that every assignment granted under the powers of this Order shall bear to be granted by virtue of this Order as well as by virtue of the Harbour Acts.

Power to
borrow ad-
ditional
money.

16. All assignments granted by the Trustees and in force before the date of the passing of the Act confirming this Order, and all assignments which they are at that date under any obligation either legal or equitable to grant in security of money previously borrowed, and which shall in pursuance of such obligation be thereafter granted by them, shall during the nonpayment thereof have priority over any assignments granted by the Trustees in virtue of this Order: Provided always, that any moneys to be hereafter borrowed for the purpose of acquiring lands, or the erection or construction of warehouses or buildings in virtue of this Order, may be preferably secured on such lands and the buildings erected or to be erected thereon, by bond and disposition in security, or other form competent by the law of Scotland at the time.

Existing
assignments
to have
priority.

17. Every part of the money borrowed under this Order shall be applied only for the purposes of the Harbour Acts and this Order.

Application
of money
borrowed.

18. Without prejudice to the rights of any creditor under a security made before the passing of the Act confirming this Order, the Trustees shall apply all the rates and duties received by them under the Harbour Acts and this Order for the purposes and in the order following, and not otherwise; that is to say,

Application of
rates.

First, in payment of the costs of and connected with the applying for, obtaining, and making this Order:

Secondly, in defraying the necessary expenses of managing and maintaining the harbour:

Thirdly, in payment of the interest accruing on money borrowed under the Harbour Acts and this Order, having regard to priority of security, as fixed under the Act of 1864 and this Order:

[154.]

A 3

A.D. 1877.

*Aberbroth-
wick.*Annual ac-
count to be
sent to Board
of Trade.Part only of
Harbours Act
incorporated.Lights to be
exhibited.

Costs of Order.

Fourthly, in setting apart the sinking fund by the Harbour Acts and this Order provided for paying off the moneys borrowed under the Harbour Acts and this Order, according to their several priorities.

Fifthly, in improving the harbour.

19. The Trustees, within one month after sending to the town clerk of the royal burgh of Aberbrothwick a copy of the annual account in abstract, shall send a copy of the same to the Board of Trade; and the sixteenth section of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a 10⁶ penalty not exceeding twenty pounds

20. Except sections fourteen, fifteen, and forty-nine of the Harbours, Docks, and Piers Clauses Act, 1847, no part of that Act shall be incorporated with this Order.

21. The Trustees shall, at the outer extremity of the harbour and works, exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting; and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

22. All costs, charges, and expenses of and incident to the preparation of and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the trustees.

The SCHEDULE in the foregoing Order referred to.

I.—RATES ON BOATS USING THE HARBOUR.

	£	s.	d.	
For every boat engaged in the herring fishery, as a composition in full of tonnage duty for the period of the fishing season, payable in advance - - - - -	1	5	0	25
For every boat loading or discharging herrings, and for which the foresaid composition shall not have been paid, on each occasion of entering the harbour - - - - - each	0	2	6	30
When windbound and not loading or unloading - - - - - each	0	1	3	
For each white fishing boat engaged in the white fishing or crab or lobster fishing, as a composition in full of tonnage duty, per annum, payable quarterly in advance on the first day of January, first day of April, first day of July, and first day of October—				35
If under twenty-two feet in length over all - - - - -	1	0	0	
If twenty-two feet in length over all or upwards - - - - -	1	10	0	
In the case of fishermen owning a larger and a smaller boat not both used for fishing at the same time, for both boats -	2	0	0	40

		£	s.	d.	A.D. 1877.
	For other boats loading and discharging - - each	0	1	0	<i>Aberbroth-</i> <i>wick.</i>
	For boats windbound or otherwise and not loading or unloading each	0	0	6	
5	For other boats, when above fifteen tons burden, according to tonnage dues for vessels.				
	For pleasure boats or yachts of twenty tons burden or upwards, per ton burden - - - - -	0	0	1	
	or				
10	Optionally each vessel may be compounded for by an annual payment in advance of - - - per ton	0	1	6	
	For pleasure boats or yachts under twenty tons burden, or boats used for fishing purposes belonging to persons not earning their livelihood as fishermen - - - each	0	0	6	
15	or				
	Optionally each such last-mentioned boat or yacht may be compounded for by an annual payment in advance of -	1	0	0	

II.—RATE FOR BALLASTING VESSELS.

For every ton of ballast put on board any vessel by the Trustees - 0 1 0

III.—RATES ON FRESH FISH.

20	For haddocks, cod, and all other fresh and shell fish (except herrings) per barrel bulk of two and a half hundredweight (any smaller quantity than a barrel bulk being charged as a barrel bulk) - - - - -	0	0	6
25	or			
	Optionally fishermen may compound for all rates on such fish by an annual payment per boat, payable quarterly in advance on the first day of January, first day of April, first day of July, and first day of October, of - - - - -	2	0	0
30	In case of fishermen owning a larger and a smaller boat not both used for fishing at the same time, the above compo- sition shall cover both boats, but shall in no case extend to a third boat.			

IV.—POLICE AND LIGHTAGE DUES.

35	For all boats and vessels specified in the first part of this Schedule entering the harbour - - - - - each time	0	0	3
	or			
	Optionally a composition payable quarterly in advance on the first day of January, first day of April, first day of July, and first day of October, of - - - per annum	0	5	0
40				

Exemption.

Herring boats paying the composition of one pound five shillings
under the first part of this Schedule shall be exempt from Police
and Lightage Dues.

A.D. 1877.

Skerries.

SKERRIES.

Order for the transfer of the Pier and Harbour of Skerries, in the county of Dublin, to the Dublin Port and Docks Board, and for the maintenance and regulation of the Pier and Harbour.

5

Transfer of
the pier and
harbour to
the Board.

1. All the estate, interest, right, privileges, and powers of Ion Trant Hamilton, Esq., of Abbotstown, in the county of Dublin, member of Parliament, in or over the pier and harbour of Skerries, in the parish of Holmpatrick, in the county of Dublin, shall, from and after the passing of the Act confirming this Order, be transferred to and vest in the Dublin Port and Docks Board, in this Order called "the Board."

10

Acceptance of
the transfer
by the
Board.

2. The Board shall accept the transfer, and all rights, powers, privileges, and property appertaining thereto, and shall undertake the management and control of the pier and harbour, and the Board may appoint a local committee as the agents of the Board to manage the affairs and business of the pier and harbour, subject to the regulations and directions of the Board.

15

Undertakers.

3. The Board shall be the Undertakers for the purposes of this Order, and shall have and may exercise the several powers, privileges, and authorities conferred by this Order, and may carry this Order in all respects into execution.

20

Limits of
Order.

4. The limits within which the Board shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the pier and harbour of Skerries and the works now connected therewith, and the area comprised within the distance of five hundred yards seaward of any part of the said pier, harbour, and works.

25

Power to
maintain and
improve
harbour.

5. The Board may from time to time maintain, alter, and improve the harbour, and the quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences belonging to the harbour, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour: Provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

30

Power to
borrow.

6. The Board may from time to time under this Order borrow on mortgage of the rates leviable under this Order any money, not exceeding in the whole the sum of three thousand pounds required for the purposes of the works by this Order authorized.

35

Money to be
applied to
purposes of
Order.

7. Every part of the money borrowed under this Order shall be applied only to the purposes by this Order authorized.

As to mort-
gages.

8. The clauses with respect to the mortgages to be executed by the Commissioners, contained in "The Commissioners Clauses Act, 1847," are hereby incorporated with this Order.

40

9. On and after the 1st day of August 1877, and subject and according to the provisions of this Order, the Board may, for the use of the harbour and works, demand and receive in respect of the vessels, boats, and things described in the schedule to this Order any sums not exceeding the rates in such schedule
5 specified.

Sherries.
Power to levy rates.

10. On and after the day appointed by this Order for commencing to demand and receive the rates by this Order authorised, all other rates, dues, or tolls previously levied or received under any patent, custom, or otherwise within the limits to which the provisions of this Order extend shall cease to be
10 payable and shall be no longer paid within those limits.

Present rates to cease.

11. The Board may demand and receive such sums as they may think fit for the use of any warehouses, sheds, buildings, weighing machines, hand, steam, or hydraulic cranes, works, and conveniences belonging to the Board, for the use of which rates are not specially fixed in the schedule to this Order.

Rates for use of warehouses.

15 12. The Board may from time to time provide, maintain, use, and let steam tugs or other power, vessels, dredgers, lighters, plant, and other accommodation for the use of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person, for such period, and on such terms and conditions, as they think fit.

Undertakers may provide and license steam tugs, &c.

20 13. The Board may from time to time demand and receive such sums as they may think fit for the use of steam tugs or other power maintained, used, and let or licensed by them, and for other accommodation provided by them; and such sums shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam
25 tug or other power, or any other accommodation, to the Board, or to their lessees, or to the person with whom they may contract, or to the owner of such steam tug or other power, if licensed by the Board, as the case may be, and such sums shall be due and payable in respect of any steam tug or other power, whether actually employed or not, if the same shall have been required, and
35 shall, in consequence, have been tendered.

Charges for steam tugs, &c.

14. The Board, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and
40 every such account. If the Board refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

15. Fishing vessels belonging [to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced
45 by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

16. The Board may grant to passengers and promenaders, or others, pass
50 tickets for the use of the pier and works, on such terms and conditions, and for

Company may contract with persons for the use of pier.

A.D. 1877.

such a period not exceeding one year, as may be agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

10

Custom House
officers exempt
from rates.

17. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, harbour, and works by land, and with their vessels and otherwise, without payment.

Application
of rates.

18. The rates received under this Order shall be applied for the purposes 15 and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expense of the maintenance, repair, management, and regulation of the pier and harbour, and the supply of ballast: 20
3. In paying interest on money borrowed under this Order, and in repayment of the principal of such money.
4. The surplus income of the pier, harbour, and works, after providing for the purposes aforesaid, shall be applied for the general purposes of the Board. 25

19. The Board shall not apply towards any of the purposes of this Order any monies received by them under the authority of any Acts of Parliament relating to the port and harbour of Dublin.

Parts of Har-
bours, &c. Act,
1847, excepted.

20. Sections sixteen to nineteen inclusive of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. 30

Power to make
byelaws.

21. The Board may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and others, and goods and traffic, for the supply of ballast to vessels and boats, and for the deposit or removal of ballast on the quays, piers, jetties, wharves, roads, and approaches of the harbour; but such byelaws shall 35 not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Meters and
weighers.

22. The Board shall have the appointment of meters and weighers on or in connexion with the pier and harbour.

Light to be ex-
hibited.

23. The Board shall, at the outer extremity of the pier, harbour, and works, 40 exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights, and shall apply to those Commissioners for directions as to lighting, and the Board shall be liable to a penalty not exceeding ten pounds for every calendar month, after the first

day of August one thousand eight hundred and seventy-seven, during which they omit so to apply. *Skerries.*

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. *Saving rights under Crown Lands Act, 1866.*

25. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Commissioners of Irish Lights. *Saving rights of Commissioners of Light.*

26. Nothing in this Order contained shall prejudice or affect any estate, right, privilege, or interest of the said Ion Trant Hamilton or his heirs under any patent or otherwise, elsewhere than within the limits to which the provisions of this Order extend, and except so far as may be necessary for carrying into effect the purposes and objects of this Order. *Saving rights of Ion Trant Hamilton.*

27. From and after the passing of the Act confirming this Order, the Skerries Harbour Improvement Order, 1872, confirmed by The Pier and Harbour Orders Confirmation Act, 1872, (No. 1,) shall be and the same Order is hereby repealed. *Repeal of Order of 1872.*

28. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the said Ion Trant Hamilton. *Costs of Order.*

29. This Order may be cited as "The Skerries Harbour Order, 1877." *Short title.*

SCHEDULE to which the foregoing Order refers.

		<i>s.</i>	<i>d.</i>
25	For every ton of ballast supplied for the use of vessels leaving the harbour, if put on board from the lighter, or deposited on the quay opposite each vessel - - - - -	1	0
	Additional charge for heaving on board when deposited on the quay, if required by the owner or master, for every ton - - - - -	0	3
30	Tonnage duty on each vessel entering the harbour, unless in possession of an annual license, per registered ton - - - - -	0	6
	Duty for light on pier, per registered ton of such vessel - - - - -	0	1
	On every vessel or boat exceeding five tons register, for an annual license to use the harbour - - - - -	10	0
35	On every vessel or boat of five tons register or under, for an annual license to use the harbour - - - - -	5	0
	Such annual license to be paid on all such vessels or boats as may enter the harbour more than once within any year ending the 31st day of December.		

A.D. 1877.

Sherries.

All annual licenses, whenever taken out, to expire on the 31st of December in each year.

Such annual license not to be paid on vessels or boats of less than five tons register, nor on vessels using the harbour as traders, and paying dues as such.

For every vessel or boat laid up in the harbour, or occupying a berth at the quay, for a period exceeding 14 days consecutively, unless detained by stress of weather, per registered ton for every day exceeding 14 days

s. d.

5

0 0½ 10

Pier and Harbour Orders Confirmation (No. 2).

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries.

(Prepared and brought in by

Mr. Edward Stanhope and Sir Charles Adairley.)

Ordered, by The House of Commons, to be Printed,

2 May 1877.

[Bill 154.]

Under 2 oz.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries. A.D. 1877.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 VICT.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

10 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirma-
tion of
Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1877 (No. 2). Short title.

A.D. 1877.

The SCHEDULE of Orders.

1. ABERBROTHWICK.—Amendment of special Acts.
2. SKERRIES.—Transfer, maintenance, and regulation of pier and harbour.

*Aberbroth-
wick.*

ABERBROTHWICK.

*Order for conferring further powers on the Trustees of the harbour 5
of Aberbrothwick, and for amending the Acts relating to that
harbour.*

Order to be
read with
Harbour Acts.

1. This Order may be cited as “The Aberbrothwick Harbour Order, 1877,” and shall be construed with an Act of the second year of Her present Majesty, chapter 16, intituled “An Act for extending, improving, regulating, and 10
“managing the harbour of the royal burgh of Aberbrothwick, in the county of
“Forfar,” and with the Aberbrothwick Harbour Act, 1864, in this Order
called “the Act of 1864,” which Acts are in this Order called “The Harbour
Acts,” and the Harbour Acts, as amended by this Order, and this Order shall
be read as one Act or Order. 15

Undertakers.

2. The Trustees for the time being acting in execution of the Harbour Acts shall be the Undertakers for carrying this Order into execution.

Additional
rates to be
levied.

3. On and after the first day of July 1877, the Trustees may, for the use of the harbour and works, demand and receive in respect of the vessels, boats, goods, matters, and things specified in the schedule to this Order, any sums 20
not exceeding the several rates specified in the same schedule, in addition to the rates and duties authorised to be levied by the Harbour Acts.

Power to levy
increased rates
to meet defi-
ciency in
revenue.

4. In the event of the revenue received by the Trustees for the year ending on the fifteenth day of October in any year proving insufficient to meet the annual expenditure of that year under the Harbour Acts and this Order, or in 25
the event of it appearing to the Trustees, on consideration of the estimated revenue and expenditure for any year commencing on the fifteenth day of October immediately preceding such consideration, that the revenue for that year will prove insufficient for the annual expenditure of that year, they may at their annual general meeting on the second Tuesday of December then next 30
ensuing, or at any adjournment of such meeting, fix and resolve that over and above the rates and duties specified in the schedules to the Act of 1864, and also over and above the one fourth part more of the said rates and duties

authorised to be levied under the 14th section of that Act, there shall be levied such increased rates and duties from and after the first day of January following as may be necessary to meet such actual or such expected deficiency of revenue; provided always, that any resolution to levy such increased rates and

A.D. 1877.
Aberbroth-
wick.

- 5 duties shall, unless renewed, continue in force for the period of one year and no longer, and that such increased rates and duties shall not exceed a further fourth part of the rates and duties specified in the schedules to the Act of 1864; and provided further, that it shall not be in the power of the Trustees to levy such increased rates and duties unless in the event of or for the purpose of
- 10 providing for a deficiency of revenue to meet annual expenditure.

5. The Trustees at any meeting called and held in conformity with the provisions of the eighth section of the Act of 1864 may, when and so often and for such periods of time as it shall appear to them to be for the interest and advantage of the harbour, reduce or omit levying, and again advance or revive
- 15 and levy, all or any of the rates and duties leviable by them under the provisions of the Harbour Acts and this Order, or any parts of such rates and duties, provided that the notice of such meeting shall specify the purposes for which such meeting is called, and provided also that the advanced or revived rates and duties shall not exceed the rates and duties which the
- 20 Trustees are authorised to levy under the provisions of the Harbour Acts and this Order, and that in levying rates and duties no preference shall be given to any person.

Power to vary
rates.

6. The Trustees may, when and so often and for such periods of time as it shall appear to them to be for the interest and advantage of the harbour, agree
- 25 with the owners or masters of vessels engaged as regular packets or traders, or with any other persons using the harbour, for the payment of rates and duties less than the rates and duties which the Trustees are authorised to levy under the Harbour Acts and this Order, as a composition by the year or other shorter period for such rates and duties: Provided always, that if the Trustees
- 30 at any time make any such agreement by way of composition as aforesaid, all other persons using or frequenting the harbour under the same or similar circumstances may compound for any rates and duties leviable from them under the Harbour Acts and this Order upon the like terms as shall be contained in such agreement, so that no preference shall be given to any person.

Power to
compound
for rates.

- 35 7. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under
- 40 the Harbour Acts and this Order.

Certain fishing
vessels under
stress of
weather exempt
from rates.

8. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, through, and along the harbour and works by land, and with their vessels and otherwise, without payment.

Exemption of
customs
officers.

9. The Trustees shall have the sole right of supplying ballast to and the
- 45 immediate superintendence, direction, and management of the ballasting of all vessels within the harbour; but in case the Trustees cannot supply any demand

Supply of
ballast for
vessels.

A.D. 1877.

Aberbroth-
wick.

for ballast in sufficient time for the accommodation of any vessel requiring the same, they shall permit the master or owner of such vessel to lift and put on board such vessel ballast from some proper place appointed by the ballast master of the Trustees. The master of any vessel using the harbour who shall allow to be put on board his vessel any ballast not supplied by the Trustees, or 5 not lifted and put on board with the permission of the ballast master, shall for every such offence be liable to a penalty not exceeding five pounds. If the Trustees shall omit within a reasonable time after notice to the ballast master to supply ballast to any vessel requiring the same, or shall omit to give through the ballast master the necessary direction or permission enabling the master or 10 owner of such vessel to lift and put on board the ballast required by him, such master or owner may recover from the Trustees any damage sustained by him in consequence of their omission.

Power to
erect ware-
houses, &c.,
and to acquire
lands.

10. The Trustees may erect, construct, or adapt warehouses, sheds, and buildings adjoining the harbour for the warehousing and storage of goods and 15 merchandise, and may for these purposes and from time to time by agreement purchase or acquire or take on lease any lands or buildings adjoining or adjacent to the harbour, and may demand and receive such rates or other consideration as they think reasonable for the use of any such warehouses, sheds, or buildings erected or provided by them. 20

Power to
provide and
license
steam tugs.

11. The Trustees may from time to time build, purchase, contract for or hire, and may maintain, use and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such steam tugs or other power belonging to any person for such periods and on such terms and conditions as they think fit. 25

Charges for
steam tugs.

12. The Trustees may from time to time fix and make such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other 30 power to the Trustees, or to their lessee, or to the person with whom they may contract, or to the owner of such steam tug or other power if licensed by the Trustees, as the case may be; and such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall, in 35 consequence of a requisition, have been tendered by the master or other person having the command of such steam tug or other power.

Extra pilotage.

13. The Trustees may award to pilots who have rendered extraordinary assistance to any vessel bound for or departing from the harbour such allowance or compensation as may appear to them to be just; and such allow- 40 ance or compensation shall be paid by the owner, master, consignee, or agent having charge of the vessel to which such extraordinary assistance shall have been rendered, and shall be held to be pilotage dues, and may be recovered in the same manner as pilotage dues may be recovered.

Recovery of
rates.

14. The rates which the Trustees are by this Order authorised to levy for 45 ballasting and pilotage and for steam tugs, warehouses, sheds and buildings,

and the other rates and duties which they are by this Order authorised to levy, may be recovered in the same manner as the rates and duties leviable by them under the Harbour Acts are recoverable. A.D. 1877.
Aberbroth-
wick.

15. The Trustees may from time to time borrow, and, if paid off otherwise
5 than by means of a sinking fund, again borrow, in addition to the sum of seventy thousand pounds already authorised to be borrowed by the Harbour Acts, any further moneys not exceeding in the whole the sum of twenty thousand pounds on the security of the rates and duties payable to them in virtue of the Harbour Acts and this Order, and the other revenue and property of the harbour; and
10 the provisions contained in the Harbour Acts with respect to borrowing and to the moneys borrowed under those Acts, the form, nature, and extent of the securities to be granted therefor, the freedom of the Trustees from personal liability for the repayment of moneys borrowed, the mode of transferring and registering assignments and transfers, and the establishment of a sinking fund
15 shall, except in so far as inconsistent with this Order, be held to apply to borrowing and to the moneys borrowed under the powers of this Order as fully and effectually as if the same were repeated and embodied herein: Provided always, that every assignment granted under the powers of this Order shall bear to be granted by virtue of this Order as well as by virtue of the Harbour
20 Acts.

16. All assignments granted by the Trustees and in force before the date of the passing of the Act confirming this Order, and all assignments which they are at that date under any obligation either legal or equitable to grant in security of money previously borrowed, and which shall in pursuance of such
25 obligation be thereafter granted by them, shall during the nonpayment thereof have priority over any assignments granted by the Trustees in virtue of this Order: Provided always, that any moneys to be hereafter borrowed for the purpose of acquiring lands, or the erection or construction of warehouses or buildings in virtue of this Order, may be preferably secured on such lands and
30 the buildings erected or to be erected thereon, by bond and disposition in security, or other form competent by the law of Scotland at the time.

17. Every part of the money borrowed under this Order shall be applied only for the purposes of the Harbour Acts and this Order. Application of money borrowed.

18. Without prejudice to the rights of any creditor under a security made
35 before the passing of the Act confirming this Order, the Trustees shall apply all the rates and duties received by them under the Harbour Acts and this Order for the purposes and in the order following, and not otherwise; that is to say,

40 First, in payment of the costs of and connected with the applying for, obtaining, and making this Order:

Secondly, in defraying the necessary expenses of managing and maintaining the harbour:

45 Thirdly, in payment of the interest accruing on money borrowed under the Harbour Acts and this Order, having regard to priority of security, as fixed under the Act of 1864 and this Order:

[196.] A 3

6 *Pier and Harbour Orders Confirmation (No. 2).* [40 VICT]

- A.D. 1877. *Aberbroth-*
wick.
- Fourthly, in setting apart the sinking fund by the Harbour Acts and this Order provided for paying off the moneys borrowed under the Harbour Acts and this Order, according to their several priorities.
- Fifthly, in improving the harbour.
- Annual ac-
count to be
sent to Board
of Trade.
19. The Trustees, within one month' after sending to the town clerk of the 5
royal burgh of Aberbrothwick a copy of the annual account in abstract, shall
send a copy of the same to the Board of Trade; and the sixteenth section of
The General Pier and Harbour Act, 1861, Amendment Act shall apply to and
include any and every such account. If the Trustees refuse or neglect to comply
with this provision, they shall for every such refusal or neglect be liable to a 10
penalty not exceeding twenty pounds
- Part only of
Harbours Act
incorporated.
20. Except sections fourteen, fifteen, and forty-nine of the Harbours, Docks,
and Piers Clauses Act, 1847, no part of that Act shall be incorporated with
this Order.
- Lights to be
exhibited.
21. The Trustees shall, at the outer extremity of the harbour and works, 15
exhibit from sunset to sunrise such light or lights (if any) as shall from time
to time be directed by the Commissioners of Northern Lighthouses, and shall
apply to those Commissioners for directions as to lighting; and the Trustees
shall be liable to a penalty not exceeding ten pounds for every calendar month
during which they omit so to apply. 20
- Costs of Order.
22. All costs, charges, and expenses of and incident to the preparation of
and obtaining this Order, or otherwise incurred in relation thereto, shall be
paid by the trustees.

The SCHEDULE in the foregoing Order referred to.

I.—RATES ON BOATS USING THE HARBOUR.

	£	s.	d.	
For every boat engaged in the herring fishery, as a composition in full of tonnage duty for the period of the fishing season, payable in advance - - - - -	1	5	0	25
For every boat loading or discharging herrings, and for which the foresaid composition shall not have been paid, on each occasion of entering the harbour - - - - - each	0	2	6	30
When windbound and not loading or unloading - - - - - each	0	1	3	
For each white fishing boat engaged in the white fishing or crab or lobster fishing, as a composition in full of tonnage duty, per annum, payable quarterly in advance on the first day of January, first day of April, first day of July, and first day of October—				35
If under twenty-two feet in length over all - - - - -	1	0	0	
If twenty-two feet in length over all or upwards - - - - -	1	10	0	
In the case of fishermen owning a larger and a smaller boat not both used for fishing at the same time, for both boats -	2	0	0	40

[40 VICT.] *Pier and Harbour Orders Confirmation (No. 2).* 7

		£	s.	d.	A.D. 1877.
	For other boats loading or discharging - - - each	0	1	0	<u>Aberbroth-</u> <u>wick.</u>
	For boats windbound or otherwise and not loading or unloading each	0	0	6	
5	For other boats, when above fifteen tons burden, according to tonnage dues for vessels.				
	For pleasure boats or yachts of twenty tons burden or upwards, per ton burden - - - - -	0	0	1	
	or				
10	Optionally each vessel may be compounded for by an annual payment in advance of - - - per ton	0	1	6	
	For pleasure boats or yachts under twenty tons burden, or boats used for fishing purposes belonging to persons not earning their livelihood as fishermen - - - each	0	0	6	
	or				
15	Optionally each such last-mentioned boat or yacht may be compounded for by an annual payment in advance of -	1	0	0	

II.—RATE FOR BALLASTING VESSELS.

For every ton of ballast put on board any vessel by the Trustees - 0 1 0

20 III.—RATES ON FRESH FISH.

For haddocks, cod, and all other fresh and shell fish (except
herrings) per barrel bulk of two and a half hundredweight (any
smaller quantity than a barrel bulk being charged as a barrel
bulk) - - - - - 0 0 6

25 IV.—POLICE AND LIGHTAGE DUES.

For all boats and vessels specified in the first part of this Schedule
entering the harbour - - - - - each time 0 0 3
or
Optionally a composition payable quarterly in advance on the
30 first day of January, first day of April, first day of July, and
first day of October, of - - - - - per annum 0 5 0

Exemption.

35 White fishing boats paying the composition of one pound, one pound ten
shillings, or two pounds under the first part of this Schedule shall be
exempt from the rates specified in the third part of this Schedule.
Herring boats paying the composition of one pound five shillings under the
first part of this Schedule shall be exempt from Police and Lightage Dues.

A.D. 1877.

Skerries.

SKERRIES.

Order for the transfer of the Pier and Harbour of Skerries, in the county of Dublin, to the Dublin Port and Docks Board, and for the maintenance and regulation of the Pier and Harbour.

5

Transfer of the pier and harbour to the Board.

1. All the estate, interest, right, privileges, and powers of Ion Trant Hamilton, Esq., of Abbotstown, in the county of Dublin, member of Parliament, in or over the pier and harbour of Skerries, in the parish of Holmpatrick, in the county of Dublin, shall, from and after the passing of the Act confirming this Order, be transferred to and vest in the Dublin Port and Docks Board, in this Order called "the Board."

10

Acceptance of the transfer by the Board.

2. The Board shall accept the transfer, and all rights, powers, privileges, and property appertaining thereto, and shall undertake the management and control of the pier and harbour, and the Board may appoint a local committee as the agents of the Board to manage the affairs and business of the pier and harbour, subject to the regulations and directions of the Board.

15

Undertakers.

3. The Board shall be the Undertakers for the purposes of this Order, and shall have and may exercise the several powers, privileges, and authorities conferred by this Order, and may carry this Order in all respects into execution.

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Limits of Order.

4. The limits within which the Board shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the pier and harbour of Skerries and the works now connected therewith, and the area comprised within the distance of five hundred yards seaward of any part of the said pier, harbour, and works.

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Power to maintain and improve harbour.

5. The Board may from time to time maintain, alter, and improve the harbour, and the quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences belonging to the harbour, and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour: Provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

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Power to borrow.

6. The Board may from time to time under this Order borrow on mortgage of the rates leviable under this Order any money, not exceeding in the whole the sum of three thousand pounds required for the purposes of the works by this Order authorized.

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Money to be applied to purposes of Order.

7. Every part of the money borrowed under this Order shall be applied only to the purposes by this Order authorized.

As to mortgages.

8. The clauses with respect to the mortgages to be executed by the Commissioners, contained in "The Commissioners Clauses Act, 1847," are hereby incorporated with this Order.

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Sherries.

Power to levy rates.

9. On and after the 1st day of August 1877, and subject and according to the provisions of this Order, the Board may, for the use of the harbour and works, demand and receive in respect of the vessels, boats, and things described in the schedule to this Order any sums not exceeding the rates in such schedule specified.

10. On and after the day appointed by this Order for commencing to demand and receive the rates by this Order authorised, all other rates, dues, or tolls previously levied or received under any patent, custom, or otherwise within the limits to which the provisions of this Order extend shall cease to be payable and shall be no longer paid within those limits.

Present rates to cease.

11. The Board may demand and receive such sums as they may think fit for the use of any warehouses, sheds, buildings, weighing machines, hand, steam, or hydraulic cranes, works, and conveniences belonging to the Board, for the use of which rates are not specially fixed in the schedule to this Order.

Rates for use of warehouses.

12. The Board may from time to time provide, maintain, use, and let steam tugs or other power, vessels, dredgers, lighters, plant, and other accommodation for the use of vessels frequenting the harbour, and may also from time to time license such number of steam tugs or other power belonging to any person, for such period, and on such terms and conditions, as they think fit.

Undertakers may provide and license steam tugs, &c.

13. The Board may from time to time demand and receive such sums as they may think fit for the use of steam tugs or other power maintained, used, and let or licensed by them, and for other accommodation provided by them; and such sums shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam tug or other power, or any other accommodation, to the Board, or to their lessees, or to the person with whom they may contract, or to the owner of such steam tug or other power, if licensed by the Board, as the case may be, and such sums shall be due and payable in respect of any steam tug or other power, whether actually employed or not, if the same shall have been required, and shall, in consequence, have been tendered.

Charges for steam tugs, &c.

14. The Board, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the Board refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to Board of Trade.

15. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the pier and harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

16. The Board may grant to passengers and promenaders, or others, pass tickets for the use of the pier and works, on such terms and conditions, and for

Company may contract with persons for the use of pier.

such a period not exceeding one year, as may be agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under The Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act. 5 10

Custom House officers exempt from rates. 17. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, harbour, and works by land, and with their vessels and otherwise, without payment.

Application of rates. 18. The rates received under this Order shall be applied for the purposes 15 and in the order following, and not otherwise:—

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expense of the maintenance, repair, management, and regulation of the pier and harbour, and the supply of ballast: 20
3. In paying interest on money borrowed under this Order, and in repayment of the principal of such money.
4. The surplus income of the pier, harbour, and works, after providing for the purposes aforesaid, shall be applied for the general purposes of the Board. 25

19. The Board shall not apply towards any of the purposes of this Order any monies received by them under the authority of any Acts of Parliament relating to the port and harbour of Dublin.

Parts of Harbours, &c. Act, 1847, excepted. 20. Sections sixteen to nineteen inclusive of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order. 30

Power to make byelaws. 21. The Board may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and others, and goods and traffic, for the supply of ballast to vessels and boats, and for the deposit or removal of ballast on the quays, piers, jetties, wharves, roads, and approaches of the harbour; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes. 35

Meters and weighers. 22. The Board shall have the appointment of meters and weighers on or in connexion with the pier and harbour.

Light to be exhibited. 23. The Board shall, at the outer extremity of the pier, harbour, and works, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Commissioners of Irish Lights, and shall apply to those Commissioners for directions as to lighting, and the Board shall be liable to a penalty not exceeding ten pounds for every calendar month, after the first 40

day of August one thousand eight hundred and seventy-seven, during which they omit so to apply. *Skerries.*

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. *Saving rights under Crown Lands Act, 1866.*

25. Nothing in this Order contained shall prejudice or affect the rights or jurisdiction of the Commissioners of Irish Lights. *Saving rights of Commissioners of Light.*

26. Nothing in this Order contained shall prejudice or affect any estate, right, privilege, or interest of the said Ion Trant Hamilton or his heirs under any patent or otherwise, elsewhere than within the limits to which the provisions of this Order extend, and except so far as may be necessary for carrying into effect the purposes and objects of this Order. *Saving rights of Ion Trant Hamilton.*

27. From and after the passing of the Act confirming this Order, the Skerries Harbour Improvement Order, 1872, confirmed by The Pier and Harbour Orders Confirmation Act, 1872, (No. 1,) shall be and the same Order is hereby repealed. *Repeal of Order of 1872*

28. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the said Ion Trant Hamilton. *Costs of Order.*

29. This Order may be cited as "The Skerries Harbour Order, 1877." *Short title.*

SCHEDULE to which the foregoing Order refers.

		<i>s.</i>	<i>d.</i>
25	For every ton of ballast supplied for the use of vessels leaving the harbour, if put on board from the lighter, or deposited on the quay opposite each vessel - - - - -	1	0
	Additional charge for heaving on board when deposited on the quay, if required by the owner or master, for every ton - - - - -	0	3
30	Tonnage duty on each vessel entering the harbour, unless in possession of an annual license, per registered ton - - - - -	0	6
	Duty for light on pier, per registered ton of such vessel - - - - -	0	1
	On every vessel or boat exceeding five tons register, for an annual license to use the harbour - - - - -	10	0
35	On every vessel or boat of five tons register or under, for an annual license to use the harbour - - - - -	5	0
	Such annual license to be paid on all such vessels or boats as may enter the harbour more than once within any year ending the 31st day of December.		

A.D. 1877.

Skerries.

s. d.

All annual licenses, whenever taken out, to expire on the 31st of December in each year.

Such annual license not to be paid on vessels or boats of less than five tons register, nor on vessels using the harbour as traders, and paying dues as such.

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For every vessel or boat laid up in the harbour, or occupying a berth at the quay, for a period exceeding 14 days consecutively, unless detained by stress of weather, per registered ton for every day exceeding 14 days

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Pier and Harbour Orders Confirmation (No. 2).

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE.]

To confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries.

(Prepared and brought in by
Mr. Edward Stanhope and Sir Charles Adderley.)

Ordered, by The House of Commons, to be Printed,
12 June 1877.

[Bill 196.]

Under 2 oz.

A

B I L L

TO

Confirm a Provisional Order made by the Board of Trade A.D. 1877.
under the General Pier and Harbour Act, 1861, relating
to Carnarvon.

WHEREAS a Provisional Order made by the Board of Trade 24 & 25 Vict.
under The General Pier and Harbour Act, 1861, is not of c. 45.
any validity or force whatever until the confirmation thereof by Act
of Parliament :

5 And whereas it is expedient that the Provisional Order made by
the Board of Trade under the said Act, and set out in the schedule
to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The Order set out in the schedule to this Act shall be and the
same is hereby confirmed, and all the provisions thereof in manner
and form as they are set out in the said schedule shall, from and
15 after the passing of this Act, have full validity and force. Confirmation
of Order in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Short title.
Confirmation Act, 1877 (No. 3).

A.D. 1877.

SCHEDULE.

Carnarvon.

CARNARVON.

Order for amending an Act of the 49th year of His late Majesty King George the Third, chapter 24, intituled "An Act for the further improvement of the Harbour of Carnarvon, in the county of Carnarvon, and for other purposes relating thereto," and for the regulation of the Harbour.

Order to be read with Harbour Acts.

1. This Order shall be construed with the Act 49 George the Third, chapter 24, in this Order called the Act of 1809, and that Act and this Order shall be read as one Act or Order.

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Repeal of sections 22 to 24 and 62 of the Act of 1809.

2. From and after the passing of the Act confirming this Order the following sections of the Act of 1809 shall be and the same are hereby repealed; that is to say, the sections 22, 23, 24, and 62.

Other sections substituted for repealed sections.

3. From and after the passing of the Act confirming this Order, sections in the following words shall be considered as respectively inserted in the Act of 1809 in place of the sections thereof repealed by this Order, and the Act of 1809 shall be read and have effect accordingly; that is to say,

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Section 22 of the Act of 1809 shall be as follows:—

"And be it further enacted, that it shall and may be lawful to and for the said trustees, or any seven or more of them, to sell and dispose of the said shore-ground, wharfs, docks, quays, warehouses, sheds, buildings, hereditaments, and premises, which are now or may hereafter become vested in them, at the highest rates or prices that can be severally got for the same, and to grant such conveyances necessary for that purpose, signed by the said trustees, or any seven or more of them, as shall appear to them expedient and beneficial."

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Section 23 of the Act of 1809 shall be as follows:—

"And be it further enacted, that the said trustees, or any seven or more of them, are hereby authorised and empowered, from time to time, to let for the best rent that can be obtained, and in such manner as they, or any seven or more of them, shall think proper, all or any of the rates, dues, and duties by the said Act granted, and also all or any such shore-ground, lands, wharfs, docks, quays, cranes, engines, hereditaments, buildings, and premises, for any term not exceeding three years, and to grant such ordinary building leases and dispositions, signed by the said trustees, or any seven or more of them, as to the said trustees, or any seven or more of them, shall appear expedient, for any term not exceeding twenty-one years, and with the best ground rent reserved which may be gotten for the same, and with all proper and usual covenants for the erection of sufficient buildings on the

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“ same, and to grant such special building leases and dispositions signed by
 “ the said trustees, or any seven or more of them, for any term not exceeding
 “ sixty years, as the said trustees, or any seven or more of them, shall think
 “ fit, where the lessee shall covenant for the due and proper erection of
 5 “ buildings of such a permanent and beneficial class and character as the said
 “ trustees, or any seven or more of them, shall deem sufficient to justify such
 “ special leases.”

Section 24 of the Act of 1809 shall be as follows :—

“ And be it further enacted, that it shall not be lawful for, nor in the power
 10 “ of, the said trustees to sell any of the premises aforesaid, nor any part
 “ thereof, nor to grant any of the said ordinary or special leases, without
 “ advertising the same not less than once a fortnight for three calendar months
 “ prior to the day to be fixed for that purpose in some newspaper published
 “ and circulated in North Wales, and then to be sold or leased by public
 15 “ auction to the highest bidder, and, in the event of such premises not being
 “ sold or leased at the time fixed for the same, such notice may be further
 “ continued by monthly advertisement in some paper printed and circulated
 “ in North Wales, until the premises advertised, or some part thereof, be sold
 “ or leased.”

20 And Section 62 of the Act of 1809 shall be as follows :—

“ And be it further enacted, that it shall and may be lawful for the said
 “ trustees, or any seven or more of them, and they are hereby empowered,
 “ by one or more indenture or indentures under their hands and seals, to
 “ mortgage or assign the rates or duties granted by this Act, and all or any
 25 “ part of the shore-ground, lands, wharfs, docks, quays, warehouses, sheds,
 “ buildings, hereditaments, and premises which are now, or which may here-
 “ after become, vested in the said trustees, as a security for any sum or sums
 “ of money by them to be borrowed (not exceeding in the whole the sum of
 “ thirty thousand pounds) for the ends and purposes of this Act, to any
 30 “ person or persons, or bodies politic or corporate, that shall be ready or
 “ willing to lend or advance the same at a rate of interest not exceeding five
 “ pounds per centum per annum, and that no particular form of mortgage
 “ shall be required.”

4. For the purpose of preventing any injury to navigation, the trustees shall
 35 not commence or construct any quay, pier, wharf, or other similar work below
 the line of high-water mark without the consent of the Board of Trade having
 been first obtained in writing, under the hand of one of their secretaries or
 assistant secretaries, and shall not construct any such work otherwise than as
 may be approved of by the Board of Trade in writing as aforesaid; and where
 40 any such work shall have been constructed the trustees shall not at any time
 alter or extend the same without having first obtained the like consent or
 approval; and if any such work shall be commenced, completed, altered, or
 extended without such consent or approval having been first obtained, it shall
 be lawful for the Board of Trade, at the costs and charges of the trustees, to
 45 abate and remove the same, and to restore the site thereof to its former
 condition, and the amount of such costs and charges shall constitute a debt due
 from the trustees to the Crown, and may be recovered accordingly.

Works
below high
water mark
not to be
commenced
without
consent.

A.D. 1877.

4 *Pier and Harbour Orders Confirmation (No. 3). [40 VICT.]*

Carnarvon.

Works
affecting tidal
waters, &c.,
abandoned
may be
removed at
expense of
trustees.

5. If any work or portion of a work constructed or to be constructed by the trustees in, under, over, through, or across any tidal water or navigable river, and which affects or may affect any such water or river, or access thereto, shall be abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade, at the costs and charges of the trustees, to abate and 5
remove the same or any part thereof, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the trustees to the Crown, and may be recovered accordingly.

Local survey
may be
ordered by
Board of
Trade at
expense of
trustees.

6. It shall be lawful for the Board of Trade at any time, or from time to time, as they may deem it expedient, to order a local survey and examination 10
of any works of the trustees in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, and the trustees shall defray all the costs of every such survey and examination, and the amount of such costs shall constitute a debt due from the trustees to the Crown, and may be recovered accordingly. 15

Annual account
to be sent to
Board of Trade.

7. The trustees, within one month after sending to the clerk of the peace the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account. If the trustees refuse or neglect to comply with this 20
provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing
vessels under
stress of
weather exempt
from rates.

8. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the 25
United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from all rates leviable by the trustees.

Custom House
officers exempt
from rates.

9. Officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier, 30
harbour, and works by land, and with their vessels and otherwise, without payment.

Part only of
Harbours Act
incorporated.

10. Except sections 14, 15, 49, and 50 of The Harbours, Docks, and Piers Clauses Act, 1847, no part of that Act shall be incorporated with this Order.

Lights to be
exhibited.

11. The trustees shall, at the outer extremity of the harbour and works, 35
exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply. 40

Existing
mortgages to
have priority.

12. All mortgages or bonds granted by the trustees for securing money borrowed, and subsisting at the time of the passing of the Act confirming this Order, shall have priority over all mortgages or bonds granted by the trustees for securing money borrowed after the passing of the Act confirming this Order.

13. Notwithstanding anything contained in the Act of 1809, all works which after the passing of the Act confirming this Order shall be executed by the trustees below high-water mark, shall be executed only after obtaining the like consent of the Board of Trade, or any other authority, and subject to the like
5 control by the Board of Trade, or any other authority, as if such works had been executed under the authority only of this Order, and the several Acts under which this Order is made, and not under the authority of the Act of 1809.

14. Nothing in this Order or the Act of 1809 contained shall prejudice or
10 affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond. Reservation of
jurisdiction of
Trinity House.

15. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the manage-
ment of the Board of Trade by "The Crown Lands Act, 1866," nor shall any
15 works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained. Saving of
rights under
"Crown
Lands Act
1866."

16. All costs, charges, and expenses of and incident to the preparation of and
obtaining this Order, or otherwise incurred in relation thereto, shall be paid
20 by the trustees. Costs of Order.

17. This Order may be cited as "The Carnarvon Harbour Order, 1877." Short title.

Pier and Harbour Orders Confirmation (No. 3).

A

B I L L

To confirm a Provisional Order made
by the Board of Trade under the
General Pier and Harbour Act, 1861,
relating to Carnarvon.

(*Prepared and brought in by*
Mr. Edward Stanhope, and Sir Charles Adderley.)

Ordered, by The House of Commons, to be Printed,
14 May 1877.

[Bill 166.]

Under 1 oz.

